

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, Annex I, and Annex II of the [GAC Beijing 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	Wedding TLD LLC
Application ID	1-856-13669
Applied for TLD (string)	wedding

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

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Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

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4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

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Registry Agreement

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We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

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If ICANN were so minded, we would be willing to consider wording of the following order:-
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Yours faithfully
Wedding TLD LLC

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Respondent:

Applicant Name	Dot Club LLC
Application ID	1-856-22387
Applied for TLD (string)	fish

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

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Respondent:

Applicant Name	Wedding TLD 2 LLC
Application ID	1-856-30202
Applied for TLD (string)	menu

Response:

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Respondent:

Applicant Name	Red Triangle LLC
Application ID	1-856-54878
Applied for TLD (string)	band

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”). Section (I) focuses on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice. Section (II) focuses specifically on those safeguards “intended to apply to particular categories of new gTLDs” (the “IP Safeguards”) as contained in Annex 1 of the Beijing Advice.

(I) Applicant Comments on the “Safeguards Applicable to all New gTLD’s”

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

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4. Documentation

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*

(II) Response to IP Safeguards “intended to apply to particular categories of new gTLDs”

The GAC identified ".band", our applied for string, within "Category 1", as a string linked to a regulated or professional sector. Specifically, the GAC included .band within its list of strings associated with "Intellectual Property".

We agree with the GAC's assessment that .band is "likely to invoke a level of implied trust from consumers", as ICANN's rigorous oversight will undoubtedly create a high expectations of trustworthiness for all new gTLDs. With a key mission of ensuring "a stable and unified global internet", ICANN is entrusted with a task of significant global importance. By balancing intellectual property protection and community interests, consumer protection, and DNS stability, ICANN clearly expects the new gTLD program to meet or even exceed the trustworthiness that permeates all other ICANN endeavors.

However, we respectfully, yet strongly, disagree with the GAC's contention that .band carries a high level of risk associated with consumer harm. ICANN developed numerous new rights protection mechanisms, including the Trademark Clearinghouse and Uniform Rapid Suspension System, all of which we expect to implement. ICANN and the registry community devoted significant time and effort towards developing mechanisms that would insulate consumers from nearly all risks presented by the new gTLD program. We also intend to implement a robust copyright enforcement policy, in addition to the trademark protections discussed above. These new processes and policies will ensure that .band provides great levels of consumer protection, surpassing even that afforded by existing TLDs.

Moreover, we recognize the importance of intellectual property rights and other consumer vulnerabilities, and plans to place great weight on protecting these interests. As stated in our application for .band, Thomas Brackey, of Freund & Brackey LLP and our General Counsel, has extensive experience litigating international intellectual property rights. His ongoing relationship with us will help to ensure that we are a leader in protecting consumers and their intellectual property rights. We will be part of the solution, not part of the problem. Additionally, adequate legal protections already exist, with the DMCA and Berne Convention offering significant protections to consumers around the world.

Further, we are perplexed as to why .band was identified within the list of gTLDs linked to regulated or professional sectors. The term "band" is a generic word, with no inherent ties to any regulated industry. "Bands" can range from circular rubber strips used to bind objects together, to weight-loss devices (the "Lap Band") and collections of individuals. To the extent that the term references a group of musical performers, it still falls outside of the vaguely defined professional music industry. In fact, the interests of most bands are diametrically

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opposed to the traditional music industry, which endeavors to exploit them. The vast majority of bands are simply collections of friends that enjoy playing music together, and would welcome an open, unrestricted gTLD that offers them the opportunity to share their music with the world.

IP Safeguards

Provided below is further detail on the particular IP Safeguards and our anticipated adherence or otherwise.

1. Acceptable Use Policy

We agree to the application of such to our TLD.

2. Required Notification

We will use reasonable efforts to require registrars at the time of registration to notify registrants of the specifications in our acceptable use policy, provided that such efforts do not impact the appeal of .band to registrars.

3. Security Measures for Collecting Sensitive Data

We agree to the application of such to our TLD.

4. Relationship with Relevant Regulatory Body

We are unaware of any relevant regulatory body or industry self-regulatory body with oversight over any group that may be impacted by .band.

5. Single Point of Contact

We will comply with all WHOIS requirements adopted by ICANN, which in their expected form, should satisfy most if not all GAC concerns. To the extent that these require registrations to provide an up-to-date point of contact for notifications of complaints or reports of registration abuse, we will agree to the application of such to our TLD.

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Red Triangle LLC

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Respondent:

Applicant Name	Dot Discount LLC
Application ID	1-856-55254
Applied for TLD (string)	discount

Response:

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Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

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Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

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Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

*

(II) Response to IP Safeguards "intended to apply to particular categories of new gTLDs"

The GAC identified ".discount", our applied for string, within "Category 1", as a string linked to a regulated or professional sector. Specifically, the GAC included .discount within its list of strings associated with "Intellectual Property".

We agree with the GAC's assessment that .discount is "likely to invoke a level of implied trust from consumers", as ICANN's rigorous oversight will undoubtedly create a high expectations of trustworthiness for all new gTLDs. With a key mission of ensuring "a stable and unified global internet", ICANN is entrusted with a task of significant global importance. By balancing intellectual property protection and community interests, consumer protection, and DNS stability, ICANN clearly expects the new gTLD program to meet or even exceed the trustworthiness that permeates all other ICANN endeavors.

However, we respectfully, yet strongly, disagree with the GAC's contention that .discount carries a high level of risk associated with consumer harm. ICANN developed numerous new rights protection mechanisms, including the Trademark Clearinghouse and Uniform Rapid Suspension System, all of which we expect to implement. ICANN and the registry community devoted significant time and effort towards developing mechanisms that would insulate consumers from nearly all risks presented by the new gTLD program. We also intend to implement a robust copyright enforcement policy, in addition to the trademark protections discussed above. These new processes and policies will ensure that .discount provides great levels of consumer protection, surpassing even that afforded by existing TLDs.

Moreover, we recognize the importance of intellectual property rights and other consumer vulnerabilities, and plans to place great weight on protecting these interests. As stated in our application for .discount, Thomas Brackey, of Freund & Brackey LLP and our General Counsel, has extensive experience litigating international intellectual property rights. His ongoing relationship with us will help to ensure that we are a leader in protecting consumers and their intellectual property rights. We will be part of the solution, not part of the problem. Additionally, adequate legal protections already exist, with the DMCA and Berne Convention offering significant protections to consumers around the world.

Further, we are perplexed as to why .discount was identified within the list of gTLDs linked to regulated or professional sectors. The term "discount" is a simply a generic word, with no inherent ties to any regulated industry, let alone an "intellectual property" industry or sector. The "Merriam-Webster" dictionary defines "discount" as "a reduction made from the gross amount or value of something". In our view, this definition bears no relationship to "intellectual property", let alone a regulated industry. Accordingly, we respectfully disagree with the GAC's

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advice that .discount warrants additional IP Safeguards for its connection to some intellectual property industry or sector.

IP Safeguards

Provided below is further detail on the particular IP Safeguards and our anticipated adherence or otherwise.

1. Acceptable Use Policy

We agree to the application of such to our TLD.

2. Required Notification

We will use reasonable efforts to require registrars at the time of registration to notify registrants of the specifications in our acceptable use policy, provided that such efforts do not impact the appeal of .discount to registrars.

3. Security Measures for Collecting Sensitive Data

We agree to the application of such to our TLD.

4. Relationship with Relevant Regulatory Body

We are unaware of any relevant regulatory body or industry self-regulatory body with oversight over any group that may be impacted by .band

5. Single Point of Contact

We will comply with all WHOIS requirements adopted by ICANN, which in their expected form, should satisfy most if not all GAC concerns. To the extent that these require registrations to provide an up-to-date point of contact for notifications of complaints or reports of registration abuse, we will agree to the application of such to our TLD.

We trust that the above described position will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully,
Dot Discount LLC

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dot Online LLC
Application ID	1-856-67717
Applied for TLD (string)	online

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”). Section (I) focuses on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice. Section (II) focuses specifically on those safeguards “intended to apply to particular categories of new gTLDs” (the “IP Safeguards”) as contained in Annex 1 of the Beijing Advice.

(I) Applicant Comments on the “Safeguards Applicable to all New gTLD’s”

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

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That being the case, we are faced with a choice. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

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3. Security Checks

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In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

GAC Advice Response Form for Applicants



Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

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Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

*

(II) Response to IP Safeguards “intended to apply to particular categories of new gTLDs”

The GAC identified ".online", our applied for string, within "Category 1", as a string linked to a regulated or professional sector. Specifically, the GAC included .discount within its list of strings associated with "Intellectual Property".

We agree with the GAC's assessment that .discount is "likely to invoke a level of implied trust from consumers", as ICANN's rigorous oversight will undoubtedly create a high expectations of trustworthiness for all new gTLDs. With a key mission of ensuring "a stable and unified global internet", ICANN is entrusted with a task of significant global importance. By balancing intellectual property protection and community interests, consumer protection, and DNS stability, ICANN clearly expects the new gTLD program to meet or even exceed the trustworthiness that permeates all other ICANN endeavors.

However, we respectfully, yet strongly, disagree with the GAC's contention that .online carries a high level of risk associated with consumer harm. ICANN developed numerous new rights protection mechanisms, including the Trademark Clearinghouse and Uniform Rapid Suspension System, all of which we expect to implement. ICANN and the registry community devoted significant time and effort towards developing mechanisms that would insulate consumers from nearly all risks presented by the new gTLD program. We also intend to implement a robust copyright enforcement policy, in addition to the trademark protections discussed above. These new processes and policies will ensure that .online provides great levels of consumer protection, surpassing even that afforded by existing TLDs.

Moreover, we recognize the importance of intellectual property rights and other consumer vulnerabilities, and plans to place great weight on protecting these interests. As stated in our application for .online, Thomas Brackey, of Freund & Brackey LLP and our General Counsel, has extensive experience litigating international intellectual property rights. His ongoing relationship with us will help to ensure that we are a leader in protecting consumers and their intellectual property rights. We will be part of the solution, not part of the problem. Additionally, adequate legal protections already exist, with the DMCA and Berne Convention offering significant protections to consumers around the world.

Further, we are perplexed as to why .discount was identified within the list of gTLDs linked to regulated or professional sectors. The term "online" is a simply a generic word, with no inherent ties to any regulated industry, let alone a professional "intellectual property" industry or sector. In our view, .online is a truly generic TLD, much like .com, meaning that an associated website is simply on the Internet. This bears no relationship to "intellectual property", and

GAC Advice Response Form for Applicants



Accordingly, we respectfully disagree with the GAC's advice that .online warrants additional IP Safeguards for its connection to some intellectual property industry or sector.

IP Safeguards

Provided below is further detail on the particular IP Safeguards and our anticipated adherence or otherwise.

1. Acceptable Use Policy

We agree to the application of such to our TLD.

2. Required Notification

We will use reasonable efforts to require registrars at the time of registration to notify registrants of the specifications in our acceptable use policy, provided that such efforts do not impact the appeal of .online to registrars.

3. Security Measures for Collecting Sensitive Data

We agree to the application of such to our TLD.

4. Relationship with Relevant Regulatory Body

We are unaware of any relevant regulatory body or industry self-regulatory body with oversight over any group that may be impacted by .band

5. Single Point of Contact

We will comply with all WHOIS requirements adopted by ICANN, which in their expected form, should satisfy most if not all GAC concerns. To the extent that these require registrations to provide an up-to-date point of contact for notifications of complaints or reports of registration abuse, we will agree to the application of such to our TLD.

We trust that the above described position will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully,
Dot Online LLC

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	CORE Association
Application ID	1-862-90073
Applied for TLD (string)	с а й т

Response:

A) Introduction

Even though .с а й т TLD application is not directly mentioned in the GAC Advice, CORE agrees with the GAC on the need to safeguard consumers, and their trust in the Domain-Name System, and hence wants to make the following statements with regard to the с а й т application.

B) Safeguards for the .с а й т TLD

CORE concurs with the GAC when it states that TLDs specially relevant to the protection of consumers' trust must be operated in full conformity with applicable laws, and apply relevant policies in an open and non-discriminatory manner. This is precisely why our application contains all the necessary safeguards to guarantee that registrants in the .с а й т TLD not only comply with applicable laws, but that the namespace enables the highest level of consumer trust. These concerns, and these safeguards will be carried to .с а й т TLD Policies, Agreements and Dispute Resolution Procedures.

B.1 Registration policies. Registration in .с а й т TLD is not restricted to any particular type of activity, but it is limited by the conditions that the domain name, and its use (including content) are: - generally accepted as legitimate; and, - commensurate with the role and importance of the registered domain name. Please check our response to Q18 (b)(iv) for a more detailed description of the policy.

B.2 Enforcement Mechanisms. We would like to raise the attention more specifically to the enforcement mechanisms devised by CORE to maintain the quality of the .c a й т TLD namespace and its compliance with the rules, and mitigate possible abuses. In this regard, we should list (please see detailed explanation in our responses to the Questions noted in each case in the .c a й т TLD application):

1. Rapid Takedown Policy for cases of general malicious conduct (Q28.1)
2. Single Point of Contact for Abusive behavior on the Registry's side (Q28.3)
3. Ex-Officio Random Checks of the usage of registered Domain Names (Q18 (b)(iv))

We firmly believe that in conjunction with our registration policies and ICANN-mandated policies and Dispute Resolution Procedures, CORE adequately addresses all the safeguards outlined by GAC both for those applicable to all new gTLDs as well as the additional safeguards advised for certain categories of new gTLDs.

C) Conclusion

With regard to the more operational and policy specific points contained in the GAC advice, CORE looks forward to the output of ICANN's current public forum in connection with the GAC's most recent advice. We should also note concern regarding some content-related provisions that could lead to impractical, inefficient and unenforceable content-general monitoring obligations, which are also not compatible with many legal orders.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Nevaeh Ventures Inc
Application ID	1-865-67813
Applied for TLD (string)	rip

Response:

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.
Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

GAC Advice Response Form for Applicants



As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Rob Hall, Director
Nevaeh Ventures Inc

GAC Advice Response Form for Applicants



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Respondent:

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

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.). Should the ICANN board decide to request that these sections of the contract are to be implemented into the ICANN new gTLD agreement, we are willing to comply with such a request.

While we do not believe this will add any additional public benefit for the users of these TLDs, we accept the new requirement to only accredit registrars that sign the new RAA can be eligible in our TLDs.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dot Construction LLC
Application ID	1-871-10185
Applied for TLD (string)	construction

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

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GAC Advice Response Form for Applicants



Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

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1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

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4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

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We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully
Dot Construction LLC

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Respondent:

Applicant Name	TUI AG
Application ID	1-874-4984
Applied for TLD (string)	tui

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

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Respondent:

Applicant Name	Merchant Law Group LLP
Application ID	1-875-2472
Applied for TLD (string)	.law

Response:

MLG response for .LAW

Application number: 1-875-2472 for Merchant Law Group LLP (MLG)

We are responding to the Beijing Governmental Advisory Committee (GAC) Communique as an applicant for the .LAW new gTLD.

As stated in our application for the .LAW new gTLD, MLG envisions the .LAW new gTLD as providing a distinct online presence for all individuals, groups, businesses, organizations, associations, and other related entities that engage in the provision of legal information, legal services, police services, legislative initiatives, and other law related activities.

We support the efforts of the GAC but have concerns about the recent Beijing GAC Communique. We believe elements of the Beijing GAC Communique require further clarity or amendment and request that the ICANN Board provide applicants with additional guidance before requiring or requesting any applicant to alter their applications or business models.

Specifically, we request further clarity and guidance on the following issues:

1. To what extent and when will the terms and requirements of the Beijing GAC Communique be required of applicants with strings listed in “Category 1” of Annex 1?
2. It can be argued that strings listed in “Category 1” of Annex 1, which includes the .LAW string, are essentially converted from gTLDs into sTLDs or another form of TLD with restrictions and requirements beyond those stipulated in the Applicant Guidebook. Respectfully, MLG submitted a gTLD application. Accordingly, please clarify:

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- a) To what extent will ICANN adopt and then enforce this conversion?
 - b) Who will determine the final list of TLDs that fall under “Category 1” of Annex 1 since the Beijing GAC Communique states that the list is non-exhaustive?
 - c) When will the final list of TLDs that fall under “Category 1” of Annex 1 be released?
 - d) What are the methods of appeal for applicants with strings that fall under “Category 1” of Annex 1?
 - e) Which TLD’s in the final list of TLDs that fall under “Category 1” of Annex 1 will be subject to further targeted safeguards as outlined in the “The GAC further advises the Board:” section of the Beijing GAC Communique?
 - f) To what extent will ICANN adopt and then enforce the further targeted safeguards as outlined in the “The GAC further advises the Board:” section of the Beijing GAC Communique?
 - g) The .LAW new gTLD has multiple uses and further targeted safeguards as outlined in the “The GAC further advises the Board:” section of the Beijing GAC Communique may not be inapplicable. What are the methods of appeal for applicants with strings that become subject to further targeted safeguards as outlined in the “The GAC further advises the Board:” section of the Beijing GAC Communique?
 - h) Who will determine the relevant regulatory bodies, licensing bodies, national supervisory authorities, or their equivalents as referenced in “The GAC further advises the Board:” section of the Beijing GAC Communique?
 - i) What degree of consultation will be required with any relevant regulatory or licensing body, national supervisory authority, or their equivalent to adhere to the targeted safeguards as outlined in the “The GAC further advises the Board:” section of the Beijing GAC Communique?
 - j) What are ICANN’s contingency plans if some or all relevant regulatory or licensing bodies, national supervisory authorities, or their equivalents, decline to work with the registry operator?
3. The proposed terms and requirements for strings that fall under “Category 1” of Annex 1 may require MLG to modify its business model and application as currently written for the .LAW new gTLD. Please clarify and provide guidance on the mechanisms ICANN will provide for making changes to applications, business models, and commitments if the terms and requirements for strings that fall under “Category 1” of Annex 1 are approved by ICANN?
- a) The change request process in its current form is not an appropriate mechanism for making any application alterations that could be required by the Beijing GAC Communique. We believe changes made through this process will slow the approval of applications with strings that fall under “Category 1” of Annex 1 and this will jeopardize the integrity of the prioritization drawing system.

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b) Any solution ICANN devises for application alterations must be fair, equitable, and not jeopardize the order conferred by the prioritization drawing system and should not penalize applicants whose TLDs may be subject to additional requirements by way of the Beijing GAC Communique.

c) We believe that applicants with strings that fall under “Category 1” of Annex 1 should not be required to undertake any material changes to their business models or applications before the ICANN Board has confirmed the parameters of the Beijing GAC Communique requirements.

4. We request clarification of question 6 of Annex II. Does this question imply the GAC may at some stage require applicants to submit Public Interest Commitments Specifications?

We respectfully request that the ICANN Board address the aforementioned issues and clarify them for the benefit of all applicants. MLG is prepared to proceed with its application under any circumstances but we encourage the ICANN Board to sparingly adopt recommendations from the Beijing GAC Communique. We believe it is essential to understand the extent to which the Beijing GAC Communique terms and requirements will be implemented or enforced prior to making any changes to our application.

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Respondent:

Applicant Name	Merchant Law Group LLP
Application ID	1-875-17602
Applied for TLD (string)	.art

Response:

MLG response for .ART

Application number: 1-875-17602 for Merchant Law Group LLP (MLG)

We are responding to the Beijing Governmental Advisory Committee (GAC) Communique as an applicant for the .ART new gTLD.

As stated in our application for the .ART new gTLD, MLG envisions the .ART new gTLD as providing a distinct online presence for all individuals, groups, businesses, organizations, and entities that engage in the provision of services, products, or information related to art.

We support the efforts of the GAC but have concerns about the recent Beijing GAC Communique. We believe elements of the Beijing GAC Communique require further clarity or amendment and request that the ICANN Board provide applicants with additional guidance before requiring or requesting any applicant to alter their applications or business models.

Specifically, we request further clarity and guidance on the following issues:

1. To what extent and when will the terms and requirements of the Beijing GAC Communique be required of applicants with strings listed in “Category 1” of Annex 1?
2. It can be argued that strings listed in “Category 1” of Annex 1, which includes the .ART string, are essentially converted from gTLDs into sTLDs or another form of TLD with restrictions and requirements beyond those stipulated in the Applicant Guidebook. Respectfully, MLG submitted a gTLD application. Accordingly, please clarify:
 - a) To what extent will ICANN adopt and then enforce this conversion?

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- b) Who will determine the final list of TLDs that fall under “Category 1” of Annex 1 since the Beijing GAC Communique states that the list is non-exhaustive?
- c) When will the final list of TLDs that fall under “Category 1” of Annex 1 be released?
- d) What are the methods of appeal for applicants with strings that fall under “Category 1” of Annex 1?
3. The proposed terms and requirements for strings that fall under “Category 1” of Annex 1 may require MLG to modify its business model and application as currently written for the .ART new gTLD. Please clarify and provide guidance on the mechanisms ICANN will provide for making changes to applications, business models, and commitments if the terms and requirements for strings that fall under “Category 1” of Annex 1 are approved by ICANN?
- a) The change request process in its current form is not an appropriate mechanism for making any application alterations that could be required by the Beijing GAC Communique. We believe changes made through this process will slow the approval of applications with strings that fall under “Category 1” of Annex 1 and this will jeopardize the integrity of the prioritization drawing system.
- b) Any solution ICANN devises for application alterations must be fair, equitable, and not jeopardize the order conferred by the prioritization drawing system and should not penalize applicants whose TLDs may be subject to additional requirements by way of the Beijing GAC Communique.
- c) We believe that applicants with strings that fall under “Category 1” of Annex 1 should not be required to undertake any material changes to their business models or applications before the ICANN Board has confirmed the parameters of the Beijing GAC Communique requirements.
4. We request clarification of question 6 of Annex II. Does this question imply the GAC may at some stage require applicants to submit Public Interest Commitments Specifications?

We respectfully request that the ICANN Board address the aforementioned issues and clarify them for the benefit of all applicants. MLG is prepared to proceed with its application under any circumstances but we encourage the ICANN Board to sparingly adopt recommendations from the Beijing GAC Communique. We believe it is essential to understand the extent to which the Beijing GAC Communique terms and requirements will be implemented or enforced prior to making any changes to our application.

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Respondent:

Applicant Name	Merchant Law Group LLP
Application ID	1-875-79821
Applied for TLD (string)	.news

Response:

MLG response for .NEWS

Application number: 1-875-79821 for Merchant Law Group LLP (MLG)

We are responding to the Beijing Governmental Advisory Committee (GAC) Communique as an applicant for the .NEWS new gTLD.

As stated in our application for the .NEWS new gTLD, MLG envisions the .NEWS new gTLD as providing a distinct online presence for all individuals, groups, businesses, organizations, media outlets, and other related entities that engage in activities related to the reporting, aggregation, or distribution of news.

We support the efforts of the GAC but have concerns about the recent Beijing GAC Communique. We believe elements of the Beijing GAC Communique require further clarity or amendment and request that the ICANN Board provide applicants with additional guidance before requiring or requesting any applicant to alter their applications or business models.

Specifically, we request further clarity and guidance on the following issues:

1. To what extent and when will the terms and requirements of the Beijing GAC Communique be required of applicants with strings listed in “Category 1” of Annex 1?
2. It can be argued that strings listed in “Category 1” of Annex 1, which includes the .NEWS string, are essentially converted from gTLDs into sTLDs or another form of TLD with restrictions and requirements beyond those stipulated in the Applicant Guidebook. Respectfully, MLG submitted a gTLD application. Accordingly, please clarify:

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- a) To what extent will ICANN adopt and then enforce this conversion?
- b) Who will determine the final list of TLDs that fall under “Category 1” of Annex 1 since the Beijing GAC Communique states that the list is non-exhaustive?
- c) When will the final list of TLDs that fall under “Category 1” of Annex 1 be released?
- d) What are the methods of appeal for applicants with strings that fall under “Category 1” of Annex 1?

3. The proposed terms and requirements for strings that fall under “Category 1” of Annex 1 may require MLG to modify its business model and application as currently written for the .NEWS new gTLD. Please clarify and provide guidance on the mechanisms ICANN will provide for making changes to applications, business models, and commitments if the terms and requirements for strings that fall under “Category 1” of Annex 1 are approved by ICANN?

a) The change request process in its current form is not an appropriate mechanism for making any application alterations that could be required by the Beijing GAC Communique. We believe changes made through this process will slow the approval of applications with strings that fall under “Category 1” of Annex 1 and this will jeopardize the integrity of the prioritization drawing system.

b) Any solution ICANN devises for application alterations must be fair, equitable, and not jeopardize the order conferred by the prioritization drawing system and should not penalize applicants whose TLDs may be subject to additional requirements by way of the Beijing GAC Communique.

c) We believe that applicants with strings that fall under “Category 1” of Annex 1 should not be required to undertake any material changes to their business models or applications before the ICANN Board has confirmed the parameters of the Beijing GAC Communique requirements.

4. We request clarification of question 6 of Annex II. Does this question imply the GAC may at some stage require applicants to submit Public Interest Commitments Specifications?

We respectfully request that the ICANN Board address the aforementioned issues and clarify them for the benefit of all applicants. MLG is prepared to proceed with its application under any circumstances but we encourage the ICANN Board to sparingly adopt recommendations from the Beijing GAC Communique. We believe it is essential to understand the extent to which the Beijing GAC Communique terms and requirements will be implemented or enforced prior to making any changes to our application.

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Respondent:

Applicant Name	Merchant Law Group LLP
Application ID	1-875-87230
Applied for TLD (string)	.app

Response:

MLG response for .APP

Application number: 1-875-87230 for Merchant Law Group LLP (MLG)

We are responding to the Beijing Governmental Advisory Committee (GAC) Communique as an applicant for the .APP new gTLD.

As stated in our application for the .APP new gTLD, MLG envisions the .APP new gTLD as providing a distinct online presence for all individuals, groups, organizations, businesses, technology companies, and other related entities that create, distribute, or provide information related to web-based apps, desktop apps, smartphone apps, tablet apps, or any other software application optimized for speed, functionality, and ease of use.

We support the efforts of the GAC but have concerns about the recent Beijing GAC Communique. We believe elements of the Beijing GAC Communique require further clarity or amendment and request that the ICANN Board provide applicants with additional guidance before requiring or requesting any applicant to alter their applications or business models.

Specifically, we request further clarity and guidance on the following issues:

1. To what extent and when will the terms and requirements of the Beijing GAC Communique be required of applicants with strings listed in “Category 1” of Annex 1?
2. It can be argued that strings listed in “Category 1” of Annex 1, which includes the .APP string, are essentially converted from gTLDs into sTLDs or another form of TLD with restrictions

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and requirements beyond those stipulated in the Applicant Guidebook. Respectfully, MLG submitted a gTLD application. Accordingly, please clarify:

- a) To what extent will ICANN adopt and then enforce this conversion?
- b) Who will determine the final list of TLDs that fall under “Category 1” of Annex 1 since the Beijing GAC Communique states that the list is non-exhaustive?
- c) When will the final list of TLDs that fall under “Category 1” of Annex 1 be released?
- d) What are the methods of appeal for applicants with strings that fall under “Category 1” of Annex 1?

3. The proposed terms and requirements for strings that fall under “Category 1” of Annex 1 may require MLG to modify its business model and application as currently written for the .APP new gTLD. Please clarify and provide guidance on the mechanisms ICANN will provide for making changes to applications, business models, and commitments if the terms and requirements for strings that fall under “Category 1” of Annex 1 are approved by ICANN?

- a) The change request process in its current form is not an appropriate mechanism for making any application alterations that could be required by the Beijing GAC Communique. We believe changes made through this process will slow the approval of applications with strings that fall under “Category 1” of Annex 1 and this will jeopardize the integrity of the prioritization drawing system.
- b) Any solution ICANN devises for application alterations must be fair, equitable, and not jeopardize the order conferred by the prioritization drawing system and should not penalize applicants whose TLDs may be subject to additional requirements by way of the Beijing GAC Communique.
- c) We believe that applicants with strings that fall under “Category 1” of Annex 1 should not be required to undertake any material changes to their business models or applications before the ICANN Board has confirmed the parameters of the Beijing GAC Communique requirements.

4. We request clarification of question 6 of Annex II. Does this question imply the GAC may at some stage require applicants to submit Public Interest Commitments Specifications?

We respectfully request that the ICANN Board address the aforementioned issues and clarify them for the benefit of all applicants. MLG is prepared to proceed with its application under any circumstances but we encourage the ICANN Board to sparingly adopt recommendations from the Beijing GAC Communique. We believe it is essential to understand the extent to which the Beijing GAC Communique terms and requirements will be implemented or enforced prior to making any changes to our application.

GAC Advice Response Form for Applicants



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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 .LLC extension, Dot Registry, LLC is acutely aware of the need for safeguards and registration policies that will ensure the long term integrity of the .LLC gTLD for both registrants and consumers.

Dot Registry’s mission of building confidence, trust, reliance and loyalty for consumers and business owners alike; by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Companies is supported through their registry service, registration policies, dispute resolution processes, and ICANN required rights protection mechanisms. Dot Registry will foster consumer peace of mind with confidence. By ensuring that all domains bearing our gTLD string are members of the Registered Community of US Limited Liability Companies. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant’s right to conduct business in the United States. The “.LLC” gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names, by identifying members of the Registered Community of Limited Liability Companies.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.LLC” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Dot Registry’s application currently contains the following registration policies and naming conventions, which directly address the concerns listed by GAC in their April 11th advice (the below excerpts are pulled directly from our application response to question 18):

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- 1) A Registrant will only be awarded the “.LLC” domain that matches or includes a substantial part of the Registrant’s legal name. For example, Blue Star Partners, LLC. would be able to purchase either BlueStarPartners.LLC or BlueStar.LLC.
- 2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant’s legal name.
- 3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the “.LLC” domain will be awarded on a first-come, first-served basis to the first registrant.
- 4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for “.LLC” domain.
- 5) If a registrant’s “.LLC” domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a “.LLC” domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLC was awarded to Blue Star Partners, Inc. of California, then Blue Star Partners, Inc. of Kansas would be offered the opportunity to use BlueStarPartners.LLC.
- 6) DOT Registry will work closely with the Secretary of State’s Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States’ online resources to confirm that companies applying for their “.LLC” domain are in fact registered businesses.
- 7) All registrants that are awarded the “.LLC” domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
- 8) DOT Registry or it’s designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant’s “Active” Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered “Active” members of the Community of Registered Limited Liability Companies. In this regard, the following items would be considered violations of DOT Registry’s Registration Guidelines, and may result in dissolution of a registrant’s awarded “.LLC” domain:
 - (a) If a registrant previously awarded the “.LLC” domain ceases to be registered with the State.
 - (b) If a registrant previously awarded a “.LLC” domain is dissolved and/or forfeits the domain for any reason.
 - (c) If a registrant previously awarded the “.LLC” domain is administratively dissolved by the State.Any registrant found to be “Inactive,” or which falls into scenarios (a) through (c) above, will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State’s office. If the registrant is unable to restore itself to “Active” status within the defined probationary period, their previously assigned “.LLC” will be forfeited. DOT Registry reserves the right to change the definition of “Active” in accordance with the policies of the Secretaries of State. Domains will be temporarily suspended during the review process.
- 9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.LLC” domain, then such “.LLC” will be immediately forfeited to DOT Registry. Wrongful

application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Companies, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting/tasting).

10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.

11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.LLC. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each ".LLC" site. A complete description of these services can be found in Question 26 below.

12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLC" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLC" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.

13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid. In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies. Dot Registry's dispute resolution processes, rights protection mechanisms, trademark clearing house procedures and whois verification information are further supported in their application in the following sections:

Question 22

Protection of Geographic Names at the Second Level of your proposed gTLD

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the

draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

Question 26

Whols Compliance

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Applicant recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

Applicant's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by Applicant's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of Applicant's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (applicant's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

Applicant's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

Applicant's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Applicant's registry services operator currently processes millions of WHOIS queries per day.

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In addition to the WHOIS Service on port 43, Applicant will provide a Web-based WHOIS application, which will be located at www.whois.LLC. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

Applicant will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password.

Applicant will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

Applicant will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future. Applicant's Legal Team will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and

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RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain Applicant's information, Applicant's WHOIS services will necessarily be in compliance with any applicable privacy laws or

Question 28

Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.LLC, providing access to .LLC's Whois services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.LLC and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's

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pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- **Illegal or fraudulent actions:** use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- **Spam:** use of electronic messaging systems from email addresses from domains in the TLD to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of Web sites and Internet forums;
- **Trademark and Copyright Infringement:** DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .LLC TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- **Phishing:** use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- **Pharming:** redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- **Willful distribution of malware:** dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses.
- **Fast flux hosting:** use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- **Botnet command and control:** services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- **Distribution of pornography;**
- **Illegal Access to Other Computers or Networks:** illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- **Domain Kiting/Tasting:** registration of domain names to test their commercial viability before returning them during a Grace Period;
- **High Volume Registrations/Surveying:** registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- **Geographic Name:** registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- **Inadequate Security:** registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect

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third-party information in accordance with that geographic area's data and financial privacy laws;

- Front Running: registrars mining their own web and Whois traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- Whois Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's Whois database in connection with the bad faith registration and use of the domain in question;
- Whois Misuse: abusing access to the Whois database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing Whois Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLC the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation. Such notification shall state:

- 1) the nature of the violation;
- 2) the proposed remedy to the violation;
- 3) the time frame to cure the violation; and

4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.

If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".LLC" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".LLC" domain at their designated renewal date.

If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".LLC" domain, then such ".LLC" will be immediately forfeited to DOT Registry.

If a Registrant previously awarded a ".LLC" domain is dissolved and/or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".LLC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLC" will be forfeited to DOT

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Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLC" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry's registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

Whols Accuracy

DOT Registry will provide Whols accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 Whois Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick Whols services, in which all authoritative Whols data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete Whols information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote Whois accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete Whois data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its Whois database. Also in its RRAs, DOT Registry will also provide for higher fees and penalties for Registrant data which is obscured by proxies.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate Whois information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the Whois information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

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All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

Question 29

Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered Limited Liability Companies and all applied-for domains will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of

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Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active Limited Liability Companies in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration.

DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SDRP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national or regional effect or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the

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registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period:

Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B

Applications that fit the following criteria will be considered during the Sunrise B period:

- a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
- b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.

Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program

Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

- a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLC" website within 30 days of signing the Program Agreement.
- b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLC" Founder Website, concurrent with the launch of their .LLC Founder Website, said press release must be approved by DOT Registry;
- c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
- d) Founders are expected to proactively market and promote ".LLC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLC" string.
- e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.

f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the DOT Registry. Domain names with two or more applications will proceed to a closed mini auction, between the respective DOT Registries, where the highest bidder wins.

General Availability Period

DOT Registry must meet registration requirements.

Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

a) Both DOT Registries will be notified of the contention and the Sunrise A DOT Registry will be given first right to either register their requested domain or withdraw their application. Since ".LLC" is a sponsored community domain for registered Limited Liability Companies, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A DOT Registry chooses to register their name regardless of the contention, then the Sunrise B DOT Registry may choose to pursue further action independently of DOT Registry to contest the name.

c) If two Sunrise A DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.LLC) then DOT Registry will notify both DOT Registries of the contention and proceed to an auction process as described in Section 9.

d) If a Sunrise A DOT Registry and a Landrush DOT Registry apply for the same domain name, the Sunrise A DOT Registry, all else being equal will have priority over the Landrush DOT Registry.

e) If two Sunrise B DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An DOT Registry can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

GAC Advice Response Form for Applicants



Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.

b) All auction participants are expected to keep their account information current, throughout the auction process.

c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.

d) Bidding

i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.

ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.

ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

f) Payment Default

In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .LLC domain name, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry's RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry's registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a "Trademark Claims Notice" (Notice) in English to the protective registrant of the domain name and copy DOT Registry's RPM Team. The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but

GAC Advice Response Form for Applicants



only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .LLC as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick Whois

DOT Registry will include a thick Whois database as required in Specification 4 of the Registry agreement. A thick Whois provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLC" domain is dissolved and/or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

GAC Advice Response Form for Applicants



If a Registrant previously awarded the “.LLC” domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such “.LLC” will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act’s notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLC contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registry’s RPM Team who will catalogue and ticket in DOT Registry’s CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry’s RPM Team. A member of DOT Registry’s RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry’s RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry’s RPM Team. If DOT Registry’s RPM Team is satisfied by the registrant’s response that the content has been taken down or is not infringing, DOT Registry’s RPM Team will unsuspend the domain name. DOT Registry’s RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party’s election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry’s response to Question 28.

Further, Dot Registry has worked diligently to secure a strong relationship with the National Association of Secretaries of State (NASS) in order to accurately depict the necessary registration policies and programs that will protect the Community of Registered Limited Liability Companies. NASS was established in 1904 and is deemed the oldest non-partisan organization for public officials. Its membership consists of Secretaries of State and Lieutenant

GAC Advice Response Form for Applicants



Governors responsible for the registration and maintenance of Limited Liability Companies in the US and its territories. Dot Registry has pledged to consult NASS throughout the life of the gTLD in regards to any changing state statutes, community admittance criteria, or policy adaptations in order to stay abridged of any changing state laws or registration guidelines. Additionally, Dot Registry is the only applicant who has established a relationship with the NASS or any Secretary of States Offices. As seen in our application and attached to this response the careful management of the .LLC gTLD is of vital importance to the Secretaries of State in the US. Dot Registry believes that the level of security necessary to responsibly operate this string can only be accomplished through a community gTLD. Further, Dot Registry is able to clearly define the registrants of this community, admittance requirements, commonality and has secured significant support from current members of the community. Further support of these assumptions can be seen in the attachments to question 20 of Dot Registry's application.

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

February 22, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Subject: Letter of Support for the Restricted Use of the Top Level
Domains, ".INC", ".LLC", ".CORP", and ".LLP"

To Whom It May Concern,

This letter confirms that the Tennessee Secretary of State's Office is charged with registering businesses in the State of Tennessee. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses, which can be further divided into the following designations: The Community of Registered Corporations, the Community of Registered Limited Liability Companies and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With growing national concern about fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their respective Secretary of State's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET, SUITE THREE
CARSON CITY, NEVADA 89701-4786
(775) 684-5708 • FAX (775) 684-5717



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

P.O. Box 94608
State Capitol, Suite 2300
Lincoln, NE 68509-4608
Phone 402-471-2554
Fax 402-471-3237
www.sos.state.ne.us

February 3, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

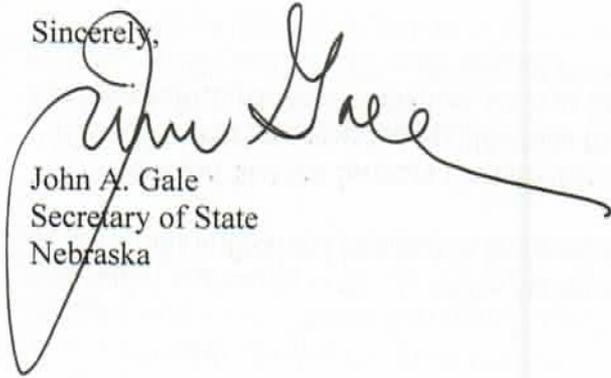
Ladies and Gentlemen:

This letter confirms that the State of Nebraska, Office of the Secretary of State, is charged with administering Nebraska's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with the Secretary of State.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,


John A. Gale
Secretary of State
Nebraska

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Paul Spurgeon
Dot Registry
208 W 19th Street
Kansas City MO 64108-2002

Dear Mr. Spurgeon,

I will not replicate the "form" letter on my letterhead that you requested for my signature in your e-mail message that I received today. It is not in a format or text that is comfortable for me.

However, because of my concern with the possible approval by ICANN of these extensions, I am willing to provide you with the enclosed letter. You may use it, as you deem appropriate.

By the way, NASS has not yet approved a letter, as referenced in your message. Although it was circulated through the membership of the Business Services Committee, the Executive Committee has not yet given final approval to the letter.

If Bill Clark or you have any questions or concerns about my letter, you are certainly welcomed to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State

Cc William H. Clark Jr.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Internet Corporation for Assigned Names and Numbers
1101 New York Avenue NW Suite 930
Washington DC 20005

To Whom It May Concern:

As the Secretary of State, I have the administrative oversight of various business entity registrations filed in my state.

It is my understanding that your organization (ICANN) is now accepting applications for a new expanded top level domain name program. I have learned that extensions such as .INC, .LLC, .LLP, and .CORP may be under consideration and that is of significant concern to me.

If ICANN considers approving these extensions, I respectfully request that they be approved and awarded to a company that has submitted an application that includes restrictions they will abide by, which would provide all of the possible protection for legitimate businesses and consumers from confusion or fraud.

All of these mentioned extensions are recognized under North Dakota state law as a means of identifying various types of business entities that are legally filed with my office. Therefore, it is important to ensure that the website domain name being considered for a business entity is only extended to a business entity that has a corresponding legal registration identified with that domain name. These business entities, with their registration, have lawfully earned the right to use these entity identifiers. That right should not be infringed about by any company or individual that has not obtained the legal use of them through the registration process in one of the states.

Therefore, along with my fellow members of the National Association of Secretaries of State (NASS), I am of the opinion that these extension identifiers should only be extended to entities in their respective states that are legally and appropriately registered with the Secretary of State, or the equivalent state agency.

During the past several months, the NASS Business Services Committee (of which I am a member) has been considering the proposed ICANN program and has been reviewing the potential impact these new extensions would have on existing businesses and new businesses registering with the various states.

As one member of the committee, I believe it is fundamental that NASS be consulted by companies such as DOT Registry or any other applicants regarding policy related to the registering and identifying of businesses as this expanded program is considered by ICANN. And, if ICANN approves these extensions, the successful recipient will agree to extend the new extensions only to a "community" of businesses appropriately and legally registered in one of the various states.

Without having appropriate restrictions in place, I would strongly oppose approving these extensions and awarding them to any company.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
208 W 19th St
Kansas City, MO 64108

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

A handwritten signature in cursive script that reads "Elaine F. Marshall".

Elaine F. Marshall



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Mark Ritchie

FAX COVER SHEET

DATE: Wednesday, February 13, 2013

TOTAL NUMBER OF PAGES (Including Cover Sheet): 2

RECIPIENT INFORMATION:	SENDER'S INFORMATION:
TO: SHAUL JOLLES	FROM: MARK RITCHIE
PHONE:	PHONE: 651-201-1324
FAX: 816-994-9333	FAX: 651-296-9073

SUBJECT: LETTER OF SUPPORT FOR THE RESTRICTED USE OF THE TOP LEVEL DOMAINS

COMMENTS/INSTRUCTIONS: LETTER ATTACHED



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 13, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC", ".LLC",
".CORP", and ".LLP"

To Whom this May Concern:

This letter confirms that The Office of the Minnesota Secretary of State is charged with registering businesses in the State of Minnesota. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses which can be further divided into the following designations: The Community of Registered Corporations, The Community of Registered Limited Liability Companies, and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings, with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their Secretary of States Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie".

MARK RITCHIE
Secretary of State



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 1, 2012

Dot Registry
208 W. 19th St.
Kansas City, MO 64108

To Whom It May Concern:

This letter confirms that the State of Minnesota, Office of the Secretary of State, is charged with regulating and protecting Corporations registered in the State of Minnesota. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC." With restrictions that are intended to protect U.S. companies that are registered with the Secretaries of State.

We believe that such strings should only be issued to companies that are registered with a Secretary of State. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC." without restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie", written over a horizontal line.

MARK RITCHIE
Secretary of State

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4575
www.sos.ks.gov

STATE OF KANSAS

February 7, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

Ladies and Gentlemen:

This letter confirms that the State of Kansas, Office of the Secretary of State, is charged with administering Kansas's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach".

Kris W. Kobach
Secretary of State



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 5, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, “.INC” and “.LLC”
“.CORP”, and “.LLP”

To Whom It May Concern:

The Missouri Secretary of State’s Office is charged with overseeing the business formation process for the formation of corporations, limited liability companies, non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri’s database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (“ICANN”) is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should be issued under a community designation of companies that are registered with the Secretary of State or equivalent agency in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies should be in place to protect the community of U.S. businesses and to ensure that these extensions are representative of members of their respective communities as verified through their Secretary of State’s Office. Further, this office does not support the use of the strings, “.INC” and “.LLC” “.CORP”, and “.LLP” without restrictions that protect this important community of registered US Businesses.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • JEFFERSON CITY 65101

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STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

ICANN – gTLD program
March 20, 2012

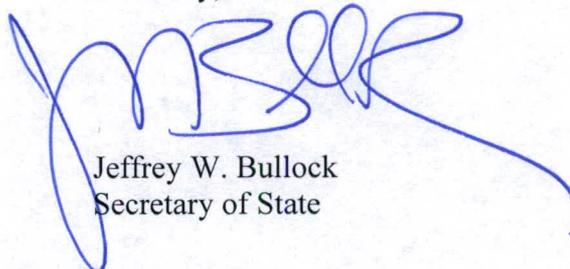
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 5, 2013

Heather Dryden
Governmental Advisory Committee
Attn: GAC Secretariat
ICANN
12025 Waterfront Drive #300
Los Angeles, CA 90094

Suzanne Radell
Senior Policy Advisor
National Telecommunications and Information Administration (NTIA)
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
SRadell@ntia.doc.gov

Dear Ms. Dryden and Ms. Radell:

As Delaware's Secretary of State, I administer the State's company registry, and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities such as corporations and limited liability companies (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 64% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies in North America and around the world.

In March of 2012, I imparted my concerns about ICANN's application review process for generic Top Level Domain (gTLDs) name extensions defined by state and provincial registries as "company endings". Such company endings include, but are not limited to, ".INC", ".CORP", ".LLP", ".LTD", ".GMBH", ".COMPANY" and "LLC". At that time, I joined a chorus of federal and state officials in the United States who had urged ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse.

Since expressing my initial concerns, I have followed the application and early warning process closely. More recently, I've learned of ICANN's new "Public Interest Commitments" (PIC) process and its associated "Public Interest Commitment Dispute Resolution Process" (PICDRS). Having the benefit of ICANN's response to my initial concerns and having reviewed the applications that have been submitted, I have no confidence that ICANN is interested in or capable of putting a system of clear and transparent enforcement mechanisms in place to ensure that "company endings" are not used for fraudulent or misleading purposes.

The responses I have received from ICANN and others have failed to acknowledge in any way the complex public policy questions raised by allowing gTLDs that use company endings. Instead, the responses have focused entirely on the process for filing objections to applications. The singular focus on an approval process rather than recognizing the serious policy implications associated with its granting of certain gTLDs calls into question whether ICANN is capable of evaluating, instituting and enforcing meaningful measures to protect consumers and legitimate legal entities from fraud and abuse.

Over 30 applications were submitted for various company endings, and while some of the applications include a proposed verification process, many do not. Only one applicant sought any input whatsoever from the affected community in my state and nationally. So it is no surprise that applicants that did propose a verification system failed to propose systems with enforceable mechanisms for safeguarding consumers, the public at large, state regulators, and the Internet itself from the types of fraud and abuse that are likely to occur in the absence of specific safeguards.

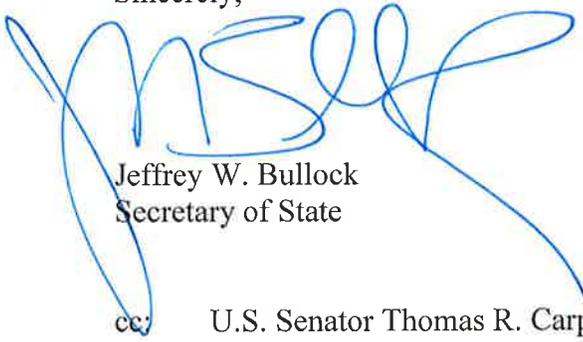
At this stage of the gTLDs process, I continue to believe that the public is best served if these company endings are not made available for use. I do not see an overriding public policy purpose or strong business case for ICANN to make them available – especially when hundreds of additional gTLDs are soon to become available.

It is also clear to me that any enforcement mechanism administered through ICANN is unlikely to provide the appropriate level of ongoing enforcement over the use of these sensitive gTLDs. The new PICDRS process, while no doubt well-intentioned, requires constant vigilance by the impacted community of company registrars. Not awarding these gTLDs is the preferred alternative. However, if such gTLDs are to be awarded and if there is going to be an effective and real-time enforcement mechanism, it must originate from the community with the greatest interest – namely, the company registrar

community represented in North America by organizations such as the International Association of Commercial Administrators (IACA) and the National Association of Secretaries of States (NASS) or in the case of non-U.S. endings such as .GMBH and .LTD with similar registrar communities elsewhere.

I am pleased to share these concerns and recommendations with you and I would welcome the opportunity to discuss them in greater detail. I am hoping that the GAC may be the appropriate vehicle for blocking the award of such gTLDs and assuring that adequate protections for consumers and businesses are put in place. If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: U.S. Senator Thomas R. Carper
U.S. Senator Christopher A. Coons
U.S. Congressman John C. Carney, Jr.
Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, NASS

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

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

Response:

As the only community applicant for the .LLP extension, Dot Registry, .LLP is acutely aware of the need for safeguards and registration policies that will ensure the long term integrity of the .LLP gTLD for both registrants and consumers.

Dot Registry’s mission of building confidence, trust, reliance and loyalty for consumers and business owners alike; by creating a dedicated gTLD to specifically serve the Community of Registered Limited Liability Partnerships is supported through their registry service, registration policies, dispute resolution processes, and ICANN required rights protection mechanisms. Dot Registry will foster consumer peace of mind with confidence. By ensuring that all domains bearing our gTLD string are members of the Registered Community of US Limited Liability Partnerships. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant’s right to conduct business in the United States. The “.LLP” gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names, by identifying members of the Registered Community of Limited Liability Partnerships.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.LLP” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Dot Registry’s application currently contains the following registration policies and naming conventions, which directly address the concerns listed by GAC in their April 11th advice (the below excerpts are pulled directly from our application response to question 18):

GAC Advice Response Form for Applicants



- 1) A Registrant will only be awarded the “.LLP” domain that matches or includes a substantial part of the Registrant’s legal name. For example, Blue Star Partners, .LLP. would be able to purchase either BlueStarPartners.LLP or BlueStar.LLP.
- 2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant’s legal name.
- 3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the “.LLP” domain will be awarded on a first-come, first-served basis to the first registrant.
- 4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for “.LLP” domain.
- 5) If a registrant’s “.LLP” domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a “.LLP” domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LLP was awarded to Blue Star Partners, Inc. of California, then Blue Star Partners, Inc. of Kansas would be offered the opportunity to use BlueStarPartners.LLP.
- 6) DOT Registry will work closely with the Secretary of State’s Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States’ online resources to confirm that companies applying for their “.LLP” domain are in fact registered businesses.
- 7) All registrants that are awarded the “.LLP” domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
- 8) DOT Registry or it’s designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant’s “Active” Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered “Active” members of the Community of Registered Limited Liability Partnerships. In this regard, the following items would be considered violations of DOT Registry’s Registration Guidelines, and may result in dissolution of a registrant’s awarded “.LLP” domain:
 - (a) If a registrant previously awarded the “.LLP” domain ceases to be registered with the State.
 - (b) If a registrant previously awarded a “.LLP” domain is dissolved and/or forfeits the domain for any reason.
 - (c) If a registrant previously awarded the “.LLP” domain is administratively dissolved by the State.Any registrant found to be “Inactive,” or which falls into scenarios (a) through (c) above, will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State’s office. If the registrant is unable to restore itself to “Active” status within the defined probationary period, their previously assigned “.LLP” will be forfeited. DOT Registry reserves the right to change the definition of “Active” in accordance with the policies of the Secretaries of State. Domains will be temporarily suspended during the review process.
- 9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.LLP” domain, then such “.LLP” will be immediately forfeited to DOT Registry. Wrongful

application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Limited Liability Partnerships, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting/tasting).

10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.

11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.LLP. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each ".LLP" site. A complete description of these services can be found in Question 26 below.

12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".LLP" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".LLP" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.

13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid. In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies. Dot Registry's dispute resolution processes, rights protection mechanisms, trademark clearing house procedures and whois verification information are further supported in their application in the following sections:

Question 22

Protection of Geographic Names at the Second Level of your proposed gTLD

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the

draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

Question 26

Whols Compliance

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Applicant recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

Applicant's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by Applicant's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of Applicant's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (applicant's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

Applicant's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

Applicant's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Applicant's registry services operator currently processes millions of WHOIS queries per day.

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In addition to the WHOIS Service on port 43, Applicant will provide a Web-based WHOIS application, which will be located at www.whois.LLP. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

Applicant will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password.

Applicant will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

Applicant will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future. Applicant's Legal Team will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and

GAC Advice Response Form for Applicants



RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain Applicant's information, Applicant's WHOIS services will necessarily be in compliance with any applicable privacy laws or

Question 28

Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.LLP, providing access to .LLP's WhoIs services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.LLP and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's

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pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- **Illegal or fraudulent actions:** use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- **Spam:** use of electronic messaging systems from email addresses from domains in the TLD to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of Web sites and Internet forums;
- **Trademark and Copyright Infringement:** DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .LLP TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- **Phishing:** use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- **Pharming:** redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- **Willful distribution of malware:** dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses.
- **Fast flux hosting:** use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- **Botnet command and control:** services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- **Distribution of pornography;**
- **Illegal Access to Other Computers or Networks:** illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- **Domain Kiting/Tasting:** registration of domain names to test their commercial viability before returning them during a Grace Period;
- **High Volume Registrations/Surveying:** registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- **Geographic Name:** registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- **Inadequate Security:** registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect

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third-party information in accordance with that geographic area's data and financial privacy laws;

- Front Running: registrars mining their own web and Whois traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- Whois Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's Whois database in connection with the bad faith registration and use of the domain in question;
- Whois Misuse: abusing access to the Whois database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing Whois Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLP the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation. Such notification shall state:

- 1) the nature of the violation;
- 2) the proposed remedy to the violation;
- 3) the time frame to cure the violation; and

4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.

If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".LLP" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".LLP" domain at their designated renewal date.

If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".LLP" domain, then such ".LLP" will be immediately forfeited to DOT Registry.

If a Registrant previously awarded a ".LLP" domain is dissolved and/or forfeited for any reason, then such ".LLP" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".LLP" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLP" will be forfeited to DOT

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Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LLP" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry's registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

Whols Accuracy

DOT Registry will provide Whois accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 Whois Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick Whois services, in which all authoritative Whois data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete Whois information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote Whois accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete Whois data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its Whois database. Also in its RRAs, DOT Registry will also provide for higher fees and penalties for Registrant data which is obscured by proxies.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate Whois information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the Whois information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

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All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

Question 29

Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered Limited Liability Partnerships and all applied-for domains will only be awarded the ".LLP" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our

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Director of Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active Limited Liability Partnerships in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration.

DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SDRP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national or regional effect or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the

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registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period: Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B

Applications that fit the following criteria will be considered during the Sunrise B period:

- a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
- b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.

Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program

Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

- a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLP" website within 30 days of signing the Program Agreement.
- b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLP" Founder Website, concurrent with the launch of their .LLP Founder Website, said press release must be approved by DOT Registry;
- c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
- d) Founders are expected to proactively market and promote ".LLP" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLP" string.
- e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.

f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLP" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the DOT Registry. Domain names with two or more applications will proceed to a closed mini auction, between the respective DOT Registries, where the highest bidder wins.

General Availability Period

DOT Registry must meet registration requirements.

Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

a) Both DOT Registries will be notified of the contention and the Sunrise A DOT Registry will be given first right to either register their requested domain or withdraw their application. Since ".LLP" is a sponsored community domain for registered Limited Liability Partnerships, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A DOT Registry chooses to register their name regardless of the contention, then the Sunrise B DOT Registry may choose to pursue further action independently of DOT Registry to contest the name.

c) If two Sunrise A DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.LLP) then DOT Registry will notify both DOT Registries of the contention and proceed to an auction process as described in Section 9.

d) If a Sunrise A DOT Registry and a Landrush DOT Registry apply for the same domain name, the Sunrise A DOT Registry, all else being equal will have priority over the Landrush DOT Registry.

e) If two Sunrise B DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An DOT Registry can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

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Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.

b) All auction participants are expected to keep their account information current, throughout the auction process.

c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.

d) Bidding

i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.

ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.

ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

f) Payment Default

In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .LLP domain name, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry's RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry's registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a "Trademark Claims Notice" (Notice) in English to the protective registrant of the domain name and copy DOT Registry's RPM Team. The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but

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only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .LLP as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick Whois

DOT Registry will include a thick Whois database as required in Specification 4 of the Registry agreement. A thick Whois provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLP" domain is dissolved and/or forfeited for any reason, then such ".LLP" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

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If a Registrant previously awarded the “.LLP” domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such “.LLP” will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act’s notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LLP contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registry’s RPM Team who will catalogue and ticket in DOT Registry’s CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry’s RPM Team. A member of DOT Registry’s RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry’s RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry’s RPM Team. If DOT Registry’s RPM Team is satisfied by the registrant’s response that the content has been taken down or is not infringing, DOT Registry’s RPM Team will unsuspend the domain name. DOT Registry’s RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party’s election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry’s response to Question 28.

Further, Dot Registry has worked diligently to secure a strong relationship with the National Association of Secretaries of State (NASS) in order to accurately depict the necessary registration policies and programs that will protect the Community of Registered Limited Liability Partnerships. NASS was established in 1904 and is deemed the oldest non-partisan organization for public officials. Its membership consists of Secretaries of State and Lieutenant

GAC Advice Response Form for Applicants



Governors responsible for the registration and maintenance of Limited Liability Partnerships in the US and its territories. Dot Registry has pledged to consult NASS throughout the life of the gTLD in regards to any changing state statutes, community admittance criteria, or policy adaption in order to stay abridged of any changing state laws or registration guidelines. Additionally, Dot Registry is the only applicant who has established a relationship with the NASS or any Secretary of States Offices. As seen in our application and attached to this response the careful management of the .LLP gTLD is of vital importance to the Secretaries of State in the US. Dot Registry believes that the level of security necessary to responsibly operate this string can only be accomplished through a community gTLD. Further, Dot Registry is able to clearly define the registrants of this community, admittance requirements, commonality and has secured significant support from current members of the community. Further support of these assumptions can be seen in the attachments to question 20 of Dot Registry's application.

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

February 22, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Subject: Letter of Support for the Restricted Use of the Top Level
Domains, ".INC", ".LLC", ".CORP", and ".LLP"

To Whom It May Concern,

This letter confirms that the Tennessee Secretary of State's Office is charged with registering businesses in the State of Tennessee. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses, which can be further divided into the following designations: The Community of Registered Corporations, the Community of Registered Limited Liability Companies and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With growing national concern about fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their respective Secretary of State's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET, SUITE THREE
CARSON CITY, NEVADA 89701-4786
(775) 684-5708 • FAX (775) 684-5717



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

P.O. Box 94608
State Capitol, Suite 2300
Lincoln, NE 68509-4608
Phone 402-471-2554
Fax 402-471-3237
www.sos.state.ne.us

February 3, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

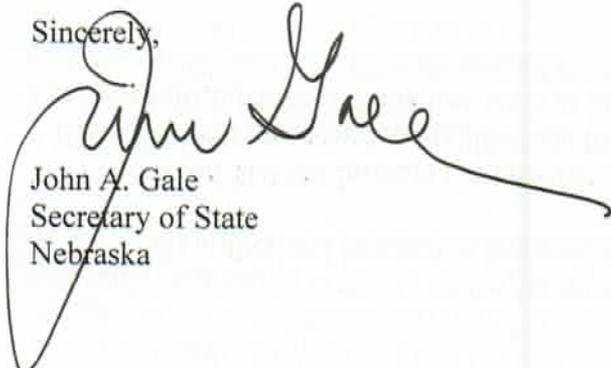
Ladies and Gentlemen:

This letter confirms that the State of Nebraska, Office of the Secretary of State, is charged with administering Nebraska's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with the Secretary of State.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,



John A. Gale
Secretary of State
Nebraska

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Paul Spurgeon
Dot Registry
208 W 19th Street
Kansas City MO 64108-2002

Dear Mr. Spurgeon,

I will not replicate the "form" letter on my letterhead that you requested for my signature in your e-mail message that I received today. It is not in a format or text that is comfortable for me.

However, because of my concern with the possible approval by ICANN of these extensions, I am willing to provide you with the enclosed letter. You may use it, as you deem appropriate.

By the way, NASS has not yet approved a letter, as referenced in your message. Although it was circulated through the membership of the Business Services Committee, the Executive Committee has not yet given final approval to the letter.

If Bill Clark or you have any questions or concerns about my letter, you are certainly welcomed to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State

Cc William H. Clark Jr.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Internet Corporation for Assigned Names and Numbers
1101 New York Avenue NW Suite 930
Washington DC 20005

To Whom It May Concern:

As the Secretary of State, I have the administrative oversight of various business entity registrations filed in my state.

It is my understanding that your organization (ICANN) is now accepting applications for a new expanded top level domain name program. I have learned that extensions such as .INC, .LLC, .LLP, and .CORP may be under consideration and that is of significant concern to me.

If ICANN considers approving these extensions, I respectfully request that they be approved and awarded to a company that has submitted an application that includes restrictions they will abide by, which would provide all of the possible protection for legitimate businesses and consumers from confusion or fraud.

All of these mentioned extensions are recognized under North Dakota state law as a means of identifying various types of business entities that are legally filed with my office. Therefore, it is important to ensure that the website domain name being considered for a business entity is only extended to a business entity that has a corresponding legal registration identified with that domain name. These business entities, with their registration, have lawfully earned the right to use these entity identifiers. That right should not be infringed about by any company or individual that has not obtained the legal use of them through the registration process in one of the states.

Therefore, along with my fellow members of the National Association of Secretaries of State (NASS), I am of the opinion that these extension identifiers should only be extended to entities in their respective states that are legally and appropriately registered with the Secretary of State, or the equivalent state agency.

During the past several months, the NASS Business Services Committee (of which I am a member) has been considering the proposed ICANN program and has been reviewing the potential impact these new extensions would have on existing businesses and new businesses registering with the various states.

As one member of the committee, I believe it is fundamental that NASS be consulted by companies such as DOT Registry or any other applicants regarding policy related to the registering and identifying of businesses as this expanded program is considered by ICANN. And, if ICANN approves these extensions, the successful recipient will agree to extend the new extensions only to a "community" of businesses appropriately and legally registered in one of the various states.

Without having appropriate restrictions in place, I would strongly oppose approving these extensions and awarding them to any company.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
208 W 19th St
Kansas City, MO 64108

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

A handwritten signature in cursive script that reads "Elaine F. Marshall".

Elaine F. Marshall



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Mark Ritchie

FAX COVER SHEET

DATE: Wednesday, February 13, 2013

TOTAL NUMBER OF PAGES (Including Cover Sheet): 2

RECIPIENT INFORMATION:	SENDER'S INFORMATION:
TO: SHAUL JOLLES	FROM: MARK RITCHIE
PHONE:	PHONE: 651-201-1324
FAX: 816-994-9333	FAX: 651-296-9073

SUBJECT: LETTER OF SUPPORT FOR THE RESTRICTED USE OF THE TOP LEVEL DOMAINS

COMMENTS/INSTRUCTIONS: LETTER ATTACHED



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 13, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC", ".LLC",
".CORP", and ".LLP"

To Whom this May Concern:

This letter confirms that The Office of the Minnesota Secretary of State is charged with registering businesses in the State of Minnesota. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses which can be further divided into the following designations: The Community of Registered Corporations, The Community of Registered Limited Liability Companies, and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings, with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their Secretary of States Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie".

MARK RITCHIE
Secretary of State



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 1, 2012

Dot Registry
208 W. 19th St.
Kansas City, MO 64108

To Whom It May Concern:

This letter confirms that the State of Minnesota, Office of the Secretary of State, is charged with regulating and protecting Corporations registered in the State of Minnesota. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC." With restrictions that are intended to protect U.S. companies that are registered with the Secretaries of State.

We believe that such strings should only be issued to companies that are registered with a Secretary of State. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC." without restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie", written over a horizontal line.

MARK RITCHIE
Secretary of State

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4575
www.sos.ks.gov

STATE OF KANSAS

February 7, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

Ladies and Gentlemen:

This letter confirms that the State of Kansas, Office of the Secretary of State, is charged with administering Kansas's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach".

Kris W. Kobach
Secretary of State



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 5, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, “.INC” and “.LLC”
“.CORP”, and “.LLP”

To Whom It May Concern:

The Missouri Secretary of State’s Office is charged with overseeing the business formation process for the formation of corporations, limited liability companies, non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri’s database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (“ICANN”) is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should be issued under a community designation of companies that are registered with the Secretary of State or equivalent agency in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies should be in place to protect the community of U.S. businesses and to ensure that these extensions are representative of members of their respective communities as verified through their Secretary of State’s Office. Further, this office does not support the use of the strings, “.INC” and “.LLC” “.CORP”, and “.LLP” without restrictions that protect this important community of registered US Businesses.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • JEFFERSON CITY 65101

ADMINISTRATIVE RULES • BUSINESS SERVICES • ELECTIONS • PUBLICATIONS • SECURITIES • STATE ARCHIVES • STATE LIBRARY • WOLFNER LIBRARY



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

ICANN – gTLD program
March 20, 2012

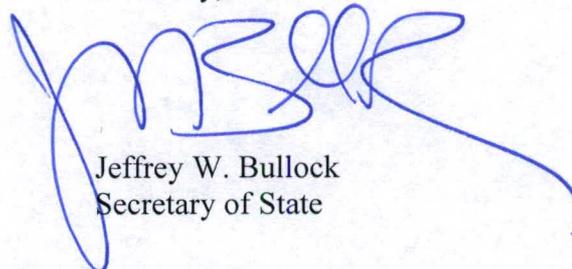
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 5, 2013

Heather Dryden
Governmental Advisory Committee
Attn: GAC Secretariat
ICANN
12025 Waterfront Drive #300
Los Angeles, CA 90094

Suzanne Radell
Senior Policy Advisor
National Telecommunications and Information Administration (NTIA)
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
SRadell@ntia.doc.gov

Dear Ms. Dryden and Ms. Radell:

As Delaware's Secretary of State, I administer the State's company registry, and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities such as corporations and limited liability companies (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 64% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies in North America and around the world.

In March of 2012, I imparted my concerns about ICANN's application review process for generic Top Level Domain (gTLDs) name extensions defined by state and provincial registries as "company endings". Such company endings include, but are not limited to, ".INC", ".CORP", ".LLP", ".LTD", ".GMBH", ".COMPANY" and "LLC". At that time, I joined a chorus of federal and state officials in the United States who had urged ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse.

Since expressing my initial concerns, I have followed the application and early warning process closely. More recently, I've learned of ICANN's new "Public Interest Commitments" (PIC) process and its associated "Public Interest Commitment Dispute Resolution Process" (PICDRS). Having the benefit of ICANN's response to my initial concerns and having reviewed the applications that have been submitted, I have no confidence that ICANN is interested in or capable of putting a system of clear and transparent enforcement mechanisms in place to ensure that "company endings" are not used for fraudulent or misleading purposes.

The responses I have received from ICANN and others have failed to acknowledge in any way the complex public policy questions raised by allowing gTLDs that use company endings. Instead, the responses have focused entirely on the process for filing objections to applications. The singular focus on an approval process rather than recognizing the serious policy implications associated with its granting of certain gTLDs calls into question whether ICANN is capable of evaluating, instituting and enforcing meaningful measures to protect consumers and legitimate legal entities from fraud and abuse.

Over 30 applications were submitted for various company endings, and while some of the applications include a proposed verification process, many do not. Only one applicant sought any input whatsoever from the affected community in my state and nationally. So it is no surprise that applicants that did propose a verification system failed to propose systems with enforceable mechanisms for safeguarding consumers, the public at large, state regulators, and the Internet itself from the types of fraud and abuse that are likely to occur in the absence of specific safeguards.

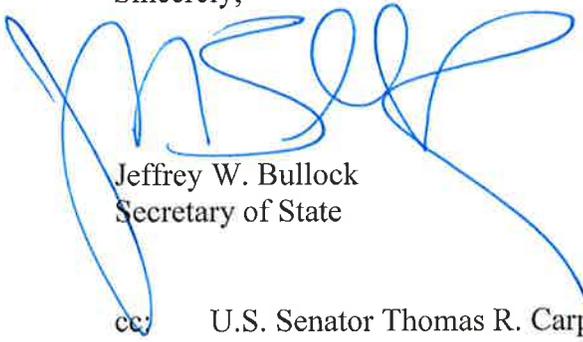
At this stage of the gTLDs process, I continue to believe that the public is best served if these company endings are not made available for use. I do not see an overriding public policy purpose or strong business case for ICANN to make them available – especially when hundreds of additional gTLDs are soon to become available.

It is also clear to me that any enforcement mechanism administered through ICANN is unlikely to provide the appropriate level of ongoing enforcement over the use of these sensitive gTLDs. The new PICDRS process, while no doubt well-intentioned, requires constant vigilance by the impacted community of company registrars. Not awarding these gTLDs is the preferred alternative. However, if such gTLDs are to be awarded and if there is going to be an effective and real-time enforcement mechanism, it must originate from the community with the greatest interest – namely, the company registrar

community represented in North America by organizations such as the International Association of Commercial Administrators (IACA) and the National Association of Secretaries of States (NASS) or in the case of non-U.S. endings such as .GMBH and .LTD with similar registrar communities elsewhere.

I am pleased to share these concerns and recommendations with you and I would welcome the opportunity to discuss them in greater detail. I am hoping that the GAC may be the appropriate vehicle for blocking the award of such gTLDs and assuring that adequate protections for consumers and businesses are put in place. If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: U.S. Senator Thomas R. Carper
U.S. Senator Christopher A. Coons
U.S. Congressman John C. Carney, Jr.
Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, NASS

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

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

Response:

As the only community applicant for the .INC extension, Dot Registry, LLC is acutely aware of the need for safeguards and registration policies that will ensure the long term integrity of the .INC gTLD for both registrants and consumers.

Dot Registry’s mission of building confidence, trust, reliance and loyalty for consumers and business owners alike; by creating a dedicated gTLD to specifically serve the Community of Registered Corporations is supported through their registry service, registration policies, dispute resolution processes, and ICANN required rights protection mechanisms. Dot Registry will foster consumer peace of mind with confidence. By ensuring that all domains bearing our gTLD string are members of the Registered Community of US Corporations. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant’s right to conduct business in the United States. The “.INC” gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names, by identifying members of the Registered Community of Corporations.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.INC” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Dot Registry’s application currently contains the following registration policies and naming conventions, which directly address the concerns listed by GAC in their April 11th advice (the below excerpts are pulled directly from our application response to question 18):

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- 1) A Registrant will only be awarded the “.INC” domain that matches or includes a substantial part of the Registrant’s legal name. For example, Blue Star Partners, Inc. would be able to purchase either BlueStarPartners.INC or BlueStar.INC.
- 2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant’s legal name.
- 3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the “.INC” domain will be awarded on a first-come, first-served basis to the first registrant.
- 4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for “.INC” domain.
- 5) If a registrant’s “.INC” domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a “.INC” domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.INC was awarded to Blue Star Partners, Inc. of California, then Blue Star Partners, Inc. of Kansas would be offered the opportunity to use BlueStarPartners.INC.
- 6) DOT Registry will work closely with the Secretary of State’s Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States’ online resources to confirm that companies applying for their “.INC” domain are in fact registered businesses.
- 7) All registrants that are awarded the “.INC” domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
- 8) DOT Registry or it’s designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant’s “Active” Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered “Active” members of the Community of Registered Corporations. In this regard, the following items would be considered violations of DOT Registry’s Registration Guidelines, and may result in dissolution of a registrant’s awarded “.INC” domain:
 - (a) If a registrant previously awarded the “.INC” domain ceases to be registered with the State.
 - (b) If a registrant previously awarded a “.INC” domain is dissolved and/or forfeits the domain for any reason.
 - (c) If a registrant previously awarded the “.INC” domain is administratively dissolved by the State.Any registrant found to be “Inactive,” or which falls into scenarios (a) through (c) above, will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State’s office. If the registrant is unable to restore itself to “Active” status within the defined probationary period, their previously assigned “.INC” will be forfeited. DOT Registry reserves the right to change the definition of “Active” in accordance with the policies of the Secretaries of State. Domains will be temporarily suspended during the review process.
- 9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.INC” domain, then such “.INC” will be immediately forfeited to DOT Registry. Wrongful

application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Corporations, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting/tasting).

10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.

11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.inc. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each ".INC" site. A complete description of these services can be found in Question 26 below.

12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".INC" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".INC" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.

13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid. In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies. Dot Registry's dispute resolution processes, rights protection mechanisms, trademark clearing house procedures and whois verification information are further supported in their application in the following sections:

Question 22

Protection of Geographic Names at the Second Level of your proposed gTLD

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the

draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

Question 26

Whols Compliance

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Applicant recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

Applicant's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by Applicant's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of Applicant's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (applicant's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

Applicant's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

Applicant's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Applicant's registry services operator currently processes millions of WHOIS queries per day.

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In addition to the WHOIS Service on port 43, Applicant will provide a Web-based WHOIS application, which will be located at www.whois.inc. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

Applicant will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password.

Applicant will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

Applicant will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future. Applicant's Legal Team will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and

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RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain Applicant's information, Applicant's WHOIS services will necessarily be in compliance with any applicable privacy laws or

Question 28

Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.INC, providing access to .INC's Whois services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.INC and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's

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pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- **Illegal or fraudulent actions:** use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- **Spam:** use of electronic messaging systems from email addresses from domains in the TLD to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of Web sites and Internet forums;
- **Trademark and Copyright Infringement:** DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .INC TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- **Phishing:** use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- **Pharming:** redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- **Willful distribution of malware:** dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses.
- **Fast flux hosting:** use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- **Botnet command and control:** services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- **Distribution of pornography;**
- **Illegal Access to Other Computers or Networks:** illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- **Domain Kiting/Tasting:** registration of domain names to test their commercial viability before returning them during a Grace Period;
- **High Volume Registrations/Surveying:** registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- **Geographic Name:** registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- **Inadequate Security:** registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect

third-party information in accordance with that geographic area's data and financial privacy laws;

- Front Running: registrars mining their own web and Whois traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- Whois Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's Whois database in connection with the bad faith registration and use of the domain in question;
- Whois Misuse: abusing access to the Whois database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing Whois Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.INC the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation. Such notification shall state:

- 1) the nature of the violation;
- 2) the proposed remedy to the violation;
- 3) the time frame to cure the violation; and

4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.

If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".INC" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".INC" domain at their designated renewal date.

If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".INC" domain, then such ".INC" will be immediately forfeited to DOT Registry.

If a Registrant previously awarded a ".INC" domain is dissolved and/or forfeited for any reason, then such ".INC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".INC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".INC" will be forfeited to DOT

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Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".INC" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry's registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

Whols Accuracy

DOT Registry will provide Whols accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 Whois Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick Whols services, in which all authoritative Whols data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete Whols information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote Whois accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete Whois data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its Whois database. Also in its RRAs, DOT Registry will also provide for higher fees and penalties for Registrant data which is obscured by proxies.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate Whois information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the Whois information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

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All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

Question 29

Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered corporations and all applied-for domains will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and

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Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active corporations in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration. DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SDRP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national or regional effect or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the

GAC Advice Response Form for Applicants



registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period:

Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B

Applications that fit the following criteria will be considered during the Sunrise B period:

- a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
- b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.

Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program

Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

- a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLC" website within 30 days of signing the Program Agreement.
- b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLC" Founder Website, concurrent with the launch of their .INC Founder Website, said press release must be approved by DOT Registry;
- c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
- d) Founders are expected to proactively market and promote ".LLC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLC" string.
- e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.

f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the DOT Registry. Domain names with two or more applications will proceed to a closed mini auction, between the respective DOT Registries, where the highest bidder wins.

General Availability Period

DOT Registry must meet registration requirements.

Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

a) Both DOT Registries will be notified of the contention and the Sunrise A DOT Registry will be given first right to either register their requested domain or withdraw their application. Since ".LLC" is a sponsored community domain for registered Corporations, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A DOT Registry chooses to register their name regardless of the contention, then the Sunrise B DOT Registry may choose to pursue further action independently of DOT Registry to contest the name.

c) If two Sunrise A DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.INC) then DOT Registry will notify both DOT Registries of the contention and proceed to an auction process as described in Section 9.

d) If a Sunrise A DOT Registry and a Landrush DOT Registry apply for the same domain name, the Sunrise A DOT Registry, all else being equal will have priority over the Landrush DOT Registry.

e) If two Sunrise B DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An DOT Registry can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

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Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.

b) All auction participants are expected to keep their account information current, throughout the auction process.

c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.

d) Bidding

i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.

ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.

ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

f) Payment Default

In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .INC domain name, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry's RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry's registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a "Trademark Claims Notice" (Notice) in English to the protective registrant of the domain name and copy DOT Registry's RPM Team. The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but

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only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .INC as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick Whois

DOT Registry will include a thick Whois database as required in Specification 4 of the Registry agreement. A thick Whois provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLC" domain is dissolved and/or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

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If a Registrant previously awarded the “.LLC” domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such “.LLC” will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act’s notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.INC contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registry’s RPM Team who will catalogue and ticket in DOT Registry’s CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry’s RPM Team. A member of DOT Registry’s RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry’s RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry’s RPM Team. If DOT Registry’s RPM Team is satisfied by the registrant’s response that the content has been taken down or is not infringing, DOT Registry’s RPM Team will unsuspend the domain name. DOT Registry’s RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party’s election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry’s response to Question 28.

Further, Dot Registry has worked diligently to secure a strong relationship with the National Association of Secretaries of State (NASS) in order to accurately depict the necessary registration policies and programs that will protect the Community of Registered Corporations. NASS was established in 1904 and is deemed the oldest non-partisan organization for public officials. Its membership consists of Secretaries of State and Lieutenant Governors responsible

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for the registration and maintenance of corporations in the US and its territories. Dot Registry has pledged to consult NASS throughout the life of the gTLD in regards to any changing state statutes, community admittance criteria, or policy adaptations in order to stay abridged of any changing state laws or registration guidelines. Additionally, Dot Registry is the only applicant who has established a relationship with the NASS or any Secretary of States Offices. As seen in our application and attached to this response the careful management of the .INC gTLD is of vital importance to the Secretaries of State in the US. Dot Registry believes that the level of security necessary to responsibly operate this string can only be accomplished through a community gTLD. Further, Dot Registry is able to clearly define the registrants of this community, admittance requirements, commonality and has secured significant support from current members of the community. Further support of these assumptions can be seen in the attachments to question 20 of Dot Registry's application.

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

February 22, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Subject: Letter of Support for the Restricted Use of the Top Level
Domains, ".INC", ".LLC", ".CORP", and ".LLP"

To Whom It May Concern,

This letter confirms that the Tennessee Secretary of State's Office is charged with registering businesses in the State of Tennessee. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses, which can be further divided into the following designations: The Community of Registered Corporations, the Community of Registered Limited Liability Companies and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With growing national concern about fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their respective Secretary of State's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET, SUITE THREE
CARSON CITY, NEVADA 89701-4786
(775) 684-5708 • FAX (775) 684-5717



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

P.O. Box 94608
State Capitol, Suite 2300
Lincoln, NE 68509-4608
Phone 402-471-2554
Fax 402-471-3237
www.sos.state.ne.us

February 3, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

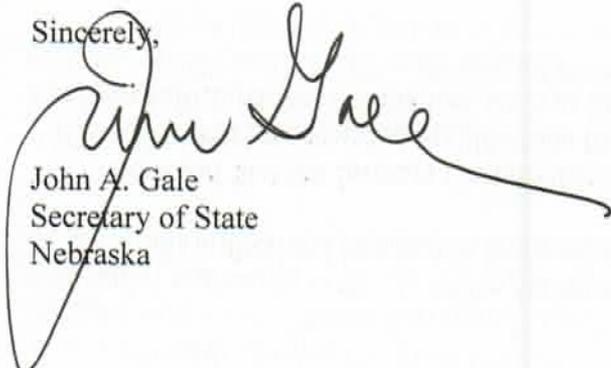
Ladies and Gentlemen:

This letter confirms that the State of Nebraska, Office of the Secretary of State, is charged with administering Nebraska's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with the Secretary of State.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,



John A. Gale
Secretary of State
Nebraska

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Paul Spurgeon
Dot Registry
208 W 19th Street
Kansas City MO 64108-2002

Dear Mr. Spurgeon,

I will not replicate the "form" letter on my letterhead that you requested for my signature in your e-mail message that I received today. It is not in a format or text that is comfortable for me.

However, because of my concern with the possible approval by ICANN of these extensions, I am willing to provide you with the enclosed letter. You may use it, as you deem appropriate.

By the way, NASS has not yet approved a letter, as referenced in your message. Although it was circulated through the membership of the Business Services Committee, the Executive Committee has not yet given final approval to the letter.

If Bill Clark or you have any questions or concerns about my letter, you are certainly welcomed to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State

Cc William H. Clark Jr.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Internet Corporation for Assigned Names and Numbers
1101 New York Avenue NW Suite 930
Washington DC 20005

To Whom It May Concern:

As the Secretary of State, I have the administrative oversight of various business entity registrations filed in my state.

It is my understanding that your organization (ICANN) is now accepting applications for a new expanded top level domain name program. I have learned that extensions such as .INC, .LLC, .LLP, and .CORP may be under consideration and that is of significant concern to me.

If ICANN considers approving these extensions, I respectfully request that they be approved and awarded to a company that has submitted an application that includes restrictions they will abide by, which would provide all of the possible protection for legitimate businesses and consumers from confusion or fraud.

All of these mentioned extensions are recognized under North Dakota state law as a means of identifying various types of business entities that are legally filed with my office. Therefore, it is important to ensure that the website domain name being considered for a business entity is only extended to a business entity that has a corresponding legal registration identified with that domain name. These business entities, with their registration, have lawfully earned the right to use these entity identifiers. That right should not be infringed about by any company or individual that has not obtained the legal use of them through the registration process in one of the states.

Therefore, along with my fellow members of the National Association of Secretaries of State (NASS), I am of the opinion that these extension identifiers should only be extended to entities in their respective states that are legally and appropriately registered with the Secretary of State, or the equivalent state agency.

During the past several months, the NASS Business Services Committee (of which I am a member) has been considering the proposed ICANN program and has been reviewing the potential impact these new extensions would have on existing businesses and new businesses registering with the various states.

As one member of the committee, I believe it is fundamental that NASS be consulted by companies such as DOT Registry or any other applicants regarding policy related to the registering and identifying of businesses as this expanded program is considered by ICANN. And, if ICANN approves these extensions, the successful recipient will agree to extend the new extensions only to a "community" of businesses appropriately and legally registered in one of the various states.

Without having appropriate restrictions in place, I would strongly oppose approving these extensions and awarding them to any company.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
208 W 19th St
Kansas City, MO 64108

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

A handwritten signature in cursive script that reads "Elaine F. Marshall".

Elaine F. Marshall



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Mark Ritchie

FAX COVER SHEET

DATE: Wednesday, February 13, 2013

TOTAL NUMBER OF PAGES (Including Cover Sheet): 2

RECIPIENT INFORMATION:	SENDER'S INFORMATION:
TO: SHAUL JOLLES	FROM: MARK RITCHIE
PHONE:	PHONE: 651-201-1324
FAX: 816-994-9333	FAX: 651-296-9073

SUBJECT: LETTER OF SUPPORT FOR THE RESTRICTED USE OF THE TOP LEVEL DOMAINS

COMMENTS/INSTRUCTIONS: LETTER ATTACHED



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 13, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC", ".LLC",
".CORP", and ".LLP"

To Whom this May Concern:

This letter confirms that The Office of the Minnesota Secretary of State is charged with registering businesses in the State of Minnesota. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses which can be further divided into the following designations: The Community of Registered Corporations, The Community of Registered Limited Liability Companies, and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings, with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their Secretary of States Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie".

MARK RITCHIE
Secretary of State



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 1, 2012

Dot Registry
208 W. 19th St.
Kansas City, MO 64108

To Whom It May Concern:

This letter confirms that the State of Minnesota, Office of the Secretary of State, is charged with regulating and protecting Corporations registered in the State of Minnesota. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC." With restrictions that are intended to protect U.S. companies that are registered with the Secretaries of State.

We believe that such strings should only be issued to companies that are registered with a Secretary of State. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC." without restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie", written over a horizontal line.

MARK RITCHIE
Secretary of State

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4575
www.sos.ks.gov

STATE OF KANSAS

February 7, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

Ladies and Gentlemen:

This letter confirms that the State of Kansas, Office of the Secretary of State, is charged with administering Kansas's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach".

Kris W. Kobach
Secretary of State



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 5, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, “.INC” and “.LLC”
“.CORP”, and “.LLP”

To Whom It May Concern:

The Missouri Secretary of State’s Office is charged with overseeing the business formation process for the formation of corporations, limited liability companies, non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri’s database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (“ICANN”) is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should be issued under a community designation of companies that are registered with the Secretary of State or equivalent agency in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies should be in place to protect the community of U.S. businesses and to ensure that these extensions are representative of members of their respective communities as verified through their Secretary of State’s Office. Further, this office does not support the use of the strings, “.INC” and “.LLC” “.CORP”, and “.LLP” without restrictions that protect this important community of registered US Businesses.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • JEFFERSON CITY 65101

ADMINISTRATIVE RULES • BUSINESS SERVICES • ELECTIONS • PUBLICATIONS • SECURITIES • STATE ARCHIVES • STATE LIBRARY • WOLFNER LIBRARY



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

ICANN – gTLD program
March 20, 2012

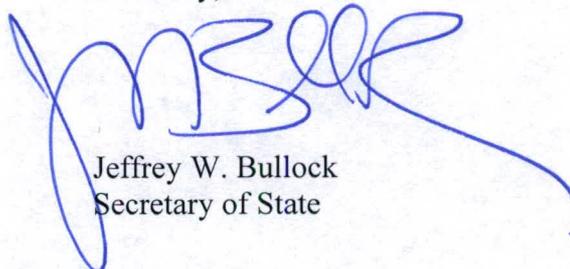
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 5, 2013

Heather Dryden
Governmental Advisory Committee
Attn: GAC Secretariat
ICANN
12025 Waterfront Drive #300
Los Angeles, CA 90094

Suzanne Radell
Senior Policy Advisor
National Telecommunications and Information Administration (NTIA)
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
SRadell@ntia.doc.gov

Dear Ms. Dryden and Ms. Radell:

As Delaware's Secretary of State, I administer the State's company registry, and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities such as corporations and limited liability companies (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 64% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies in North America and around the world.

In March of 2012, I imparted my concerns about ICANN's application review process for generic Top Level Domain (gTLDs) name extensions defined by state and provincial registries as "company endings". Such company endings include, but are not limited to, ".INC", ".CORP", ".LLP", ".LTD", ".GMBH", ".COMPANY" and "LLC". At that time, I joined a chorus of federal and state officials in the United States who had urged ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse.

Since expressing my initial concerns, I have followed the application and early warning process closely. More recently, I've learned of ICANN's new "Public Interest Commitments" (PIC) process and its associated "Public Interest Commitment Dispute Resolution Process" (PICDRS). Having the benefit of ICANN's response to my initial concerns and having reviewed the applications that have been submitted, I have no confidence that ICANN is interested in or capable of putting a system of clear and transparent enforcement mechanisms in place to ensure that "company endings" are not used for fraudulent or misleading purposes.

The responses I have received from ICANN and others have failed to acknowledge in any way the complex public policy questions raised by allowing gTLDs that use company endings. Instead, the responses have focused entirely on the process for filing objections to applications. The singular focus on an approval process rather than recognizing the serious policy implications associated with its granting of certain gTLDs calls into question whether ICANN is capable of evaluating, instituting and enforcing meaningful measures to protect consumers and legitimate legal entities from fraud and abuse.

Over 30 applications were submitted for various company endings, and while some of the applications include a proposed verification process, many do not. Only one applicant sought any input whatsoever from the affected community in my state and nationally. So it is no surprise that applicants that did propose a verification system failed to propose systems with enforceable mechanisms for safeguarding consumers, the public at large, state regulators, and the Internet itself from the types of fraud and abuse that are likely to occur in the absence of specific safeguards.

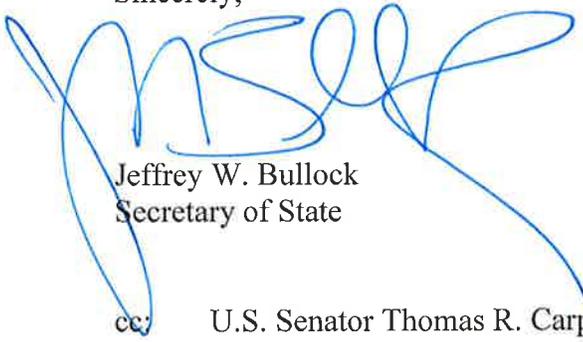
At this stage of the gTLDs process, I continue to believe that the public is best served if these company endings are not made available for use. I do not see an overriding public policy purpose or strong business case for ICANN to make them available – especially when hundreds of additional gTLDs are soon to become available.

It is also clear to me that any enforcement mechanism administered through ICANN is unlikely to provide the appropriate level of ongoing enforcement over the use of these sensitive gTLDs. The new PICDRS process, while no doubt well-intentioned, requires constant vigilance by the impacted community of company registrars. Not awarding these gTLDs is the preferred alternative. However, if such gTLDs are to be awarded and if there is going to be an effective and real-time enforcement mechanism, it must originate from the community with the greatest interest – namely, the company registrar

community represented in North America by organizations such as the International Association of Commercial Administrators (IACA) and the National Association of Secretaries of States (NASS) or in the case of non-U.S. endings such as .GMBH and .LTD with similar registrar communities elsewhere.

I am pleased to share these concerns and recommendations with you and I would welcome the opportunity to discuss them in greater detail. I am hoping that the GAC may be the appropriate vehicle for blocking the award of such gTLDs and assuring that adequate protections for consumers and businesses are put in place. If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: U.S. Senator Thomas R. Carper
U.S. Senator Christopher A. Coons
U.S. Congressman John C. Carney, Jr.
Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, NASS

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

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

Response:

As the only community applicant for the .CORP extension, Dot Registry, LLC is acutely aware of the need for safeguards and registration policies that will ensure the long term integrity of the .CORP gTLD for both registrants and consumers.

Dot Registry’s mission of building confidence, trust, reliance and loyalty for consumers and business owners alike; by creating a dedicated gTLD to specifically serve the Community of Registered Corporations is supported through their registry service, registration policies, dispute resolution processes, and ICANN required rights protection mechanisms. Dot Registry will foster consumer peace of mind with confidence. By ensuring that all domains bearing our gTLD string are members of the Registered Community of US Corporations. Our verification process will create an unprecedented level of security for online consumers by authenticating each of our registrant’s right to conduct business in the United States. The “.CORP” gTLD will fill a unique void in the current DNS and assist in decreasing the burden on existing domain names, by identifying members of the Registered Community of Corporations.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.CORP” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Dot Registry’s application currently contains the following registration policies and naming conventions, which directly address the concerns listed by GAC in their April 11th advice (the below excerpts are pulled directly from our application response to question 18):

GAC Advice Response Form for Applicants



- 1) A Registrant will only be awarded the “.CORP” domain that matches or includes a substantial part of the Registrant’s legal name. For example, Blue Star Partners, Inc. would be able to purchase either BlueStarPartners.CORP or BlueStar.CORP.
- 2) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the corporation. All awarded domains must match or include a substantial part of the Registrant’s legal name.
- 3) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different states, then the “.CORP” domain will be awarded on a first-come, first-served basis to the first registrant.
- 4) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for “.CORP” domain.
- 5) If a registrant’s “.CORP” domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a “.CORP” domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.CORP was awarded to Blue Star Partners, Inc. of California, then Blue Star Partners, Inc. of Kansas would be offered the opportunity to use BlueStarPartners.CORP.
- 6) DOT Registry will work closely with the Secretary of State’s Offices throughout the United States, with NASS and with a number of other agencies and organizations in maintaining the integrity and security of its domain names. DOT Registry will utilize the Secretary of States’ online resources to confirm that companies applying for their “.CORP” domain are in fact registered businesses.
- 7) All registrants that are awarded the “.CORP” domain will agree to a one-year minimum contract for their domain names that will automatically renew for an additional year on an annual basis if such contract is not terminated prior to the expiration of the renewal date.
- 8) DOT Registry or it’s designated agent will annually verify each registrants community status. Verification will occur in a process similar to the original registration process for each registrant, in which the registrars will verify each registrant’s “Active” Status with the applicable state authority. Each registrar will evaluate whether its registrants can still be considered “Active” members of the Community of Registered Corporations. In this regard, the following items would be considered violations of DOT Registry’s Registration Guidelines, and may result in dissolution of a registrant’s awarded “.CORP” domain:
 - (a) If a registrant previously awarded the “.CORP” domain ceases to be registered with the State.
 - (b) If a registrant previously awarded a “.CORP” domain is dissolved and/or forfeits the domain for any reason.
 - (c) If a registrant previously awarded the “.CORP” domain is administratively dissolved by the State.Any registrant found to be “Inactive,” or which falls into scenarios (a) through (c) above, will be issued a probationary warning by their registrar, allowing for the registrant to restore its active status or resolve its dissolution with its applicable Secretary of State’s office. If the registrant is unable to restore itself to “Active” status within the defined probationary period, their previously assigned “.CORP” will be forfeited. DOT Registry reserves the right to change the definition of “Active” in accordance with the policies of the Secretaries of State. Domains will be temporarily suspended during the review process.
- 9) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.CORP” domain, then such “.CORP” will be immediately forfeited to DOT Registry. Wrongful

application includes but is not limited to: a registrant misrepresenting itself as a member of the Community of Registered Corporations, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting/tasting).

10) In the case of domain forfeiture due to any of the above described options, all payments received by the Registrant for registration services to date or in advance payment will be non-refundable.

11) All registration information will be made publicly available. DOT Registry will not accept blind registration or registration by proxy. DOT Registry's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement. Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.CORP. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each ".CORP" site. A complete description of these services can be found in Question 26 below.

12) Awarded names are non-transferrable to entities outside of the designated community, regardless of affiliation to any member of the community. In the event that a registrant's business entity merges, is acquired, or sold, the new entity will be allowed to maintain the previously awarded ".CORP" domain until the domain renewal date, at which point they will be evaluated as described in number seven (7) above. Further, any entity acquiring a ".CORP" domain through the processes described in this guideline that does not meet the registration criteria and wishes to maintain the awarded domain will be allowed a grace period after the renewal verification process to correct any non-compliance issues in order to continue operating their acquired domain. If the said entity is unable to comply with DOT Registry's guidelines, the awarded domain will be revoked.

13) If an application is unable to be verified or does not meet the requirements of the sponsored community, the application will be considered invalid. In addition to Applicant's comprehensive eligibility, verification, and policing mechanisms, DOT Registry will implement a series of Rights Protection Mechanisms (RPM), including but not limited to: Support for and interaction with the Trademark Clearinghouse ("Clearinghouse"); use of the Trademark Claims Service; segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks; subsequent Sunrise Periods to give trademark owners or registrants that own the rights to a particular name the ability to block the use of such name; and stringent take down policies and all required dispute resolution policies. Dot Registry's dispute resolution processes, rights protection mechanisms, trademark clearing house procedures and whois verification information are further supported in their application in the following sections:

Question 22

Protection of Geographic Names at the Second Level of your proposed gTLD

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the

draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

Question 26

Whols Compliance

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Applicant recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

Applicant's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by Applicant's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of Applicant's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (applicant's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

Applicant's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

Applicant's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Applicant's registry services operator currently processes millions of WHOIS queries per day.

GAC Advice Response Form for Applicants



In addition to the WHOIS Service on port 43, Applicant will provide a Web-based WHOIS application, which will be located at www.whois.CORP. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service. These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN
- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

Applicant will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password.

Applicant will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

Applicant will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future. Applicant's Legal Team will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and

GAC Advice Response Form for Applicants



RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain Applicant's information, Applicant's WHOIS services will necessarily be in compliance with any applicable privacy laws or

Question 28

Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.CORP, providing access to .CORP's Whois services, the Abuse Policy, and contact information for the Abuse Team.

Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.CORP and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's

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pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- **Illegal or fraudulent actions:** use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- **Spam:** use of electronic messaging systems from email addresses from domains in the TLD to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of Web sites and Internet forums;
- **Trademark and Copyright Infringement:** DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .CORP TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- **Phishing:** use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- **Pharming:** redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- **Willful distribution of malware:** dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses.
- **Fast flux hosting:** use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- **Botnet command and control:** services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- **Distribution of pornography;**
- **Illegal Access to Other Computers or Networks:** illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- **Domain Kiting/Tasting:** registration of domain names to test their commercial viability before returning them during a Grace Period;
- **High Volume Registrations/Surveying:** registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- **Geographic Name:** registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- **Inadequate Security:** registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect

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third-party information in accordance with that geographic area's data and financial privacy laws;

- Front Running: registrars mining their own web and Whois traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- Whois Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's Whois database in connection with the bad faith registration and use of the domain in question;
- Whois Misuse: abusing access to the Whois database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing Whois Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.CORP the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation. Such notification shall state:

- 1) the nature of the violation;
- 2) the proposed remedy to the violation;
- 3) the time frame to cure the violation; and

4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.

If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".CORP" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".CORP" domain at their designated renewal date.

If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".CORP" domain, then such ".CORP" will be immediately forfeited to DOT Registry.

If a Registrant previously awarded a ".CORP" domain is dissolved and/or forfeited for any reason, then such ".CORP" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".CORP" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".CORP" will be forfeited to DOT

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Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".CORP" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry's registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

Whols Accuracy

DOT Registry will provide Whois accessibility in a reliable, consistent, and predictable fashion in order to promote Whois accuracy. The Registry will adhere to port 43 Whois Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick Whois services, in which all authoritative Whois data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete Whois information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote Whois accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete Whois data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its Whois database. Also in its RRAs, DOT Registry will also provide for higher fees and penalties for Registrant data which is obscured by proxies.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate Whois information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the Whois information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

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All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

Question 29

Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered corporations and all applied-for domains will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and

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Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the Sunrise period will be accepted on a first-come, first-served basis and must be active corporations in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration. DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SDRP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national or regional effect or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the

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registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

Applications that fit the following criteria will be considered during the Sunrise A period:

Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B

Applications that fit the following criteria will be considered during the Sunrise B period:

- a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
- b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.

Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program

Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

- a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLC" website within 30 days of signing the Program Agreement.
- b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLC" Founder Website, concurrent with the launch of their .CORP Founder Website, said press release must be approved by DOT Registry;
- c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
- d) Founders are expected to proactively market and promote ".LLC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLC" string.
- e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.

f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the DOT Registry. Domain names with two or more applications will proceed to a closed mini auction, between the respective DOT Registries, where the highest bidder wins.

General Availability Period

DOT Registry must meet registration requirements.

Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

a) Both DOT Registries will be notified of the contention and the Sunrise A DOT Registry will be given first right to either register their requested domain or withdraw their application. Since ".LLC" is a sponsored community domain for registered Corporations, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.

b) If the Sunrise A DOT Registry chooses to register their name regardless of the contention, then the Sunrise B DOT Registry may choose to pursue further action independently of DOT Registry to contest the name.

c) If two Sunrise A DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.CORP) then DOT Registry will notify both DOT Registries of the contention and proceed to an auction process as described in Section 9.

d) If a Sunrise A DOT Registry and a Landrush DOT Registry apply for the same domain name, the Sunrise A DOT Registry, all else being equal will have priority over the Landrush DOT Registry.

e) If two Sunrise B DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An DOT Registry can file a request for reconsideration within 10 days of the notification of DOT Registry's rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant's registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

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Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.

b) All auction participants are expected to keep their account information current, throughout the auction process.

c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.

d) Bidding

i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.

ii) You will receive an "Auction Scheduled" notice at least ten (10) days prior to the scheduled auction start date. You will receive an "Auction Start" notice on the auction start date, which will indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.

ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

f) Payment Default

In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .CORP domain name, regardless of whether they have been paid for or not. You do not have the right to "pick and choose" the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are

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encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry's RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry's registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a "Trademark Claims Notice" (Notice) in English to the protective registrant of the domain name and copy DOT Registry's RPM Team. The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant's knowledge the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry's RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry's RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry's RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time

GAC Advice Response Form for Applicants



of receiving the decision. DOT Registry's RPM Team will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry's RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to be infringing within ten (10) business days of receiving the decision. DOT Registry's [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .CORP as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick Whois

DOT Registry will include a thick Whois database as required in Specification 4 of the Registry agreement. A thick Whois provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLC" domain is dissolved and/or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time;

GAC Advice Response Form for Applicants



unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the “.LLC” domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such “.LLC” will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act’s notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.CORP contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registry’s RPM Team who will catalogue and ticket in DOT Registry’s CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry’s RPM Team. A member of DOT Registry’s RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry’s RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry’s RPM Team. If DOT Registry’s RPM Team is satisfied by the registrant’s response that the content has been taken down or is not infringing, DOT Registry’s RPM Team will unsuspend the domain name. DOT Registry’s RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party’s election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry’s response to Question 28.

Further, Dot Registry has worked diligently to secure a strong relationship with the National Association of Secretaries of State (NASS) in order to accurately depict the necessary registration policies and programs that will protect the Community of Registered Corporations.

GAC Advice Response Form for Applicants



NASS was established in 1904 and is deemed the oldest non-partisan organization for public officials. Its membership consists of Secretaries of State and Lieutenant Governors responsible for the registration and maintenance of corporations in the US and its territories. Dot Registry has pledged to consult NASS throughout the life of the gTLD in regards to any changing state statutes, community admittance criteria, or policy adaptations in order to stay abridged of any changing state laws or registration guidelines. Additionally, Dot Registry is the only applicant who has established a relationship with the NASS or any Secretary of States Offices. As seen in our application and attached to this response the careful management of the .CORP gTLD is of vital importance to the Secretaries of State in the US. Dot Registry believes that the level of security necessary to responsibly operate this string can only be accomplished through a community gTLD. Further, Dot Registry is able to clearly define the registrants of this community, admittance requirements, commonality and has secured significant support from current members of the community. Further support of these assumptions can be seen in the attachments to question 20 of Dot Registry's application.

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

February 22, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Subject: Letter of Support for the Restricted Use of the Top Level
Domains, ".INC", ".LLC", ".CORP", and ".LLP"

To Whom It May Concern,

This letter confirms that the Tennessee Secretary of State's Office is charged with registering businesses in the State of Tennessee. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses, which can be further divided into the following designations: The Community of Registered Corporations, the Community of Registered Limited Liability Companies and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With growing national concern about fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their respective Secretary of State's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET, SUITE THREE
CARSON CITY, NEVADA 89701-4786
(775) 684-5708 • FAX (775) 684-5717



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

P.O. Box 94608
State Capitol, Suite 2300
Lincoln, NE 68509-4608
Phone 402-471-2554
Fax 402-471-3237
www.sos.state.ne.us

February 3, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

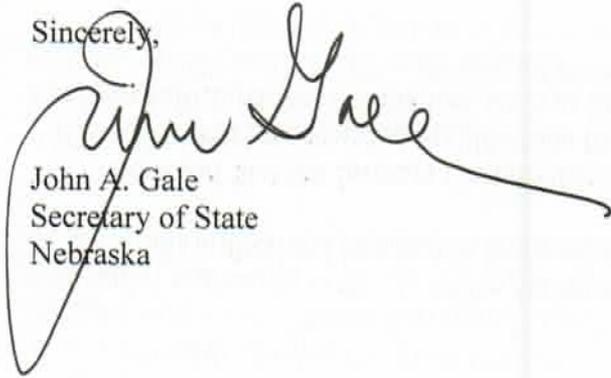
Ladies and Gentlemen:

This letter confirms that the State of Nebraska, Office of the Secretary of State, is charged with administering Nebraska's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with the Secretary of State.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,


John A. Gale
Secretary of State
Nebraska

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Paul Spurgeon
Dot Registry
208 W 19th Street
Kansas City MO 64108-2002

Dear Mr. Spurgeon,

I will not replicate the "form" letter on my letterhead that you requested for my signature in your e-mail message that I received today. It is not in a format or text that is comfortable for me.

However, because of my concern with the possible approval by ICANN of these extensions, I am willing to provide you with the enclosed letter. You may use it, as you deem appropriate.

By the way, NASS has not yet approved a letter, as referenced in your message. Although it was circulated through the membership of the Business Services Committee, the Executive Committee has not yet given final approval to the letter.

If Bill Clark or you have any questions or concerns about my letter, you are certainly welcomed to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State

Cc William H. Clark Jr.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Internet Corporation for Assigned Names and Numbers
1101 New York Avenue NW Suite 930
Washington DC 20005

To Whom It May Concern:

As the Secretary of State, I have the administrative oversight of various business entity registrations filed in my state.

It is my understanding that your organization (ICANN) is now accepting applications for a new expanded top level domain name program. I have learned that extensions such as .INC, .LLC, .LLP, and .CORP may be under consideration and that is of significant concern to me.

If ICANN considers approving these extensions, I respectfully request that they be approved and awarded to a company that has submitted an application that includes restrictions they will abide by, which would provide all of the possible protection for legitimate businesses and consumers from confusion or fraud.

All of these mentioned extensions are recognized under North Dakota state law as a means of identifying various types of business entities that are legally filed with my office. Therefore, it is important to ensure that the website domain name being considered for a business entity is only extended to a business entity that has a corresponding legal registration identified with that domain name. These business entities, with their registration, have lawfully earned the right to use these entity identifiers. That right should not be infringed about by any company or individual that has not obtained the legal use of them through the registration process in one of the states.

Therefore, along with my fellow members of the National Association of Secretaries of State (NASS), I am of the opinion that these extension identifiers should only be extended to entities in their respective states that are legally and appropriately registered with the Secretary of State, or the equivalent state agency.

During the past several months, the NASS Business Services Committee (of which I am a member) has been considering the proposed ICANN program and has been reviewing the potential impact these new extensions would have on existing businesses and new businesses registering with the various states.

As one member of the committee, I believe it is fundamental that NASS be consulted by companies such as DOT Registry or any other applicants regarding policy related to the registering and identifying of businesses as this expanded program is considered by ICANN. And, if ICANN approves these extensions, the successful recipient will agree to extend the new extensions only to a "community" of businesses appropriately and legally registered in one of the various states.

Without having appropriate restrictions in place, I would strongly oppose approving these extensions and awarding them to any company.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
208 W 19th St
Kansas City, MO 64108

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

A handwritten signature in cursive script that reads "Elaine F. Marshall".

Elaine F. Marshall



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Mark Ritchie

FAX COVER SHEET

DATE: Wednesday, February 13, 2013

TOTAL NUMBER OF PAGES (Including Cover Sheet): 2

RECIPIENT INFORMATION:	SENDER'S INFORMATION:
TO: SHAUL JOLLES	FROM: MARK RITCHIE
PHONE:	PHONE: 651-201-1324
FAX: 816-994-9333	FAX: 651-296-9073

SUBJECT: LETTER OF SUPPORT FOR THE RESTRICTED USE OF THE TOP LEVEL DOMAINS

COMMENTS/INSTRUCTIONS: LETTER ATTACHED



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 13, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC", ".LLC",
".CORP", and ".LLP"

To Whom this May Concern:

This letter confirms that The Office of the Minnesota Secretary of State is charged with registering businesses in the State of Minnesota. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses which can be further divided into the following designations: The Community of Registered Corporations, The Community of Registered Limited Liability Companies, and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings, with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their Secretary of States Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie".

MARK RITCHIE
Secretary of State



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 1, 2012

Dot Registry
208 W. 19th St.
Kansas City, MO 64108

To Whom It May Concern:

This letter confirms that the State of Minnesota, Office of the Secretary of State, is charged with regulating and protecting Corporations registered in the State of Minnesota. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC." With restrictions that are intended to protect U.S. companies that are registered with the Secretaries of State.

We believe that such strings should only be issued to companies that are registered with a Secretary of State. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC." without restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie", written over a horizontal line.

MARK RITCHIE
Secretary of State

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4575
www.sos.ks.gov

STATE OF KANSAS

February 7, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

Ladies and Gentlemen:

This letter confirms that the State of Kansas, Office of the Secretary of State, is charged with administering Kansas's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris W. Kobach".

Kris W. Kobach
Secretary of State



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 5, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, “.INC” and “.LLC”
“.CORP”, and “.LLP”

To Whom It May Concern:

The Missouri Secretary of State’s Office is charged with overseeing the business formation process for the formation of corporations, limited liability companies, non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri’s database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (“ICANN”) is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should be issued under a community designation of companies that are registered with the Secretary of State or equivalent agency in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies should be in place to protect the community of U.S. businesses and to ensure that these extensions are representative of members of their respective communities as verified through their Secretary of State’s Office. Further, this office does not support the use of the strings, “.INC” and “.LLC” “.CORP”, and “.LLP” without restrictions that protect this important community of registered US Businesses.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • JEFFERSON CITY 65101

ADMINISTRATIVE RULES • BUSINESS SERVICES • ELECTIONS • PUBLICATIONS • SECURITIES • STATE ARCHIVES • STATE LIBRARY • WOLFNER LIBRARY



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

ICANN – gTLD program
March 20, 2012

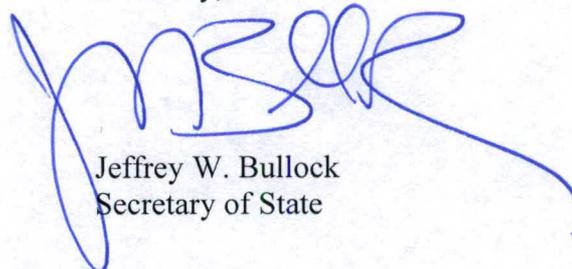
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 5, 2013

Heather Dryden
Governmental Advisory Committee
Attn: GAC Secretariat
ICANN
12025 Waterfront Drive #300
Los Angeles, CA 90094

Suzanne Radell
Senior Policy Advisor
National Telecommunications and Information Administration (NTIA)
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
SRadell@ntia.doc.gov

Dear Ms. Dryden and Ms. Radell:

As Delaware's Secretary of State, I administer the State's company registry, and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities such as corporations and limited liability companies (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 64% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies in North America and around the world.

In March of 2012, I imparted my concerns about ICANN's application review process for generic Top Level Domain (gTLDs) name extensions defined by state and provincial registries as "company endings". Such company endings include, but are not limited to, ".INC", ".CORP", ".LLP", ".LTD", ".GMBH", ".COMPANY" and "LLC". At that time, I joined a chorus of federal and state officials in the United States who had urged ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse.

Since expressing my initial concerns, I have followed the application and early warning process closely. More recently, I've learned of ICANN's new "Public Interest Commitments" (PIC) process and its associated "Public Interest Commitment Dispute Resolution Process" (PICDRS). Having the benefit of ICANN's response to my initial concerns and having reviewed the applications that have been submitted, I have no confidence that ICANN is interested in or capable of putting a system of clear and transparent enforcement mechanisms in place to ensure that "company endings" are not used for fraudulent or misleading purposes.

The responses I have received from ICANN and others have failed to acknowledge in any way the complex public policy questions raised by allowing gTLDs that use company endings. Instead, the responses have focused entirely on the process for filing objections to applications. The singular focus on an approval process rather than recognizing the serious policy implications associated with its granting of certain gTLDs calls into question whether ICANN is capable of evaluating, instituting and enforcing meaningful measures to protect consumers and legitimate legal entities from fraud and abuse.

Over 30 applications were submitted for various company endings, and while some of the applications include a proposed verification process, many do not. Only one applicant sought any input whatsoever from the affected community in my state and nationally. So it is no surprise that applicants that did propose a verification system failed to propose systems with enforceable mechanisms for safeguarding consumers, the public at large, state regulators, and the Internet itself from the types of fraud and abuse that are likely to occur in the absence of specific safeguards.

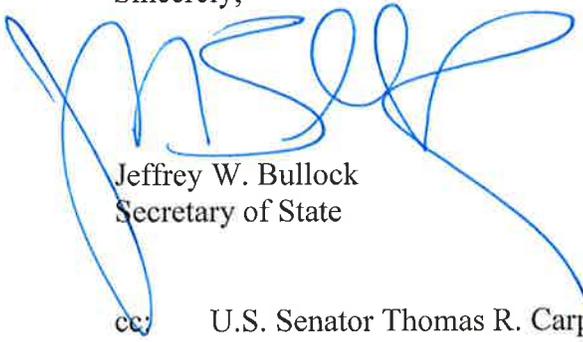
At this stage of the gTLDs process, I continue to believe that the public is best served if these company endings are not made available for use. I do not see an overriding public policy purpose or strong business case for ICANN to make them available – especially when hundreds of additional gTLDs are soon to become available.

It is also clear to me that any enforcement mechanism administered through ICANN is unlikely to provide the appropriate level of ongoing enforcement over the use of these sensitive gTLDs. The new PICDRS process, while no doubt well-intentioned, requires constant vigilance by the impacted community of company registrars. Not awarding these gTLDs is the preferred alternative. However, if such gTLDs are to be awarded and if there is going to be an effective and real-time enforcement mechanism, it must originate from the community with the greatest interest – namely, the company registrar

community represented in North America by organizations such as the International Association of Commercial Administrators (IACA) and the National Association of Secretaries of States (NASS) or in the case of non-U.S. endings such as .GMBH and .LTD with similar registrar communities elsewhere.

I am pleased to share these concerns and recommendations with you and I would welcome the opportunity to discuss them in greater detail. I am hoping that the GAC may be the appropriate vehicle for blocking the award of such gTLDs and assuring that adequate protections for consumers and businesses are put in place. If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: U.S. Senator Thomas R. Carper
U.S. Senator Christopher A. Coons
U.S. Congressman John C. Carney, Jr.
Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, NASS

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-44249
Applied for TLD (string)	.LTD

Response:

Dot Registry, LLC is acutely aware of the need for safeguards and registration policies that will ensure the long term integrity of the .LTD gTLD for both registrants and consumers.

Dot Registry’s mission of creating a simple and intuitive alternative to .com with the intention of increasing the available name space in order to better accommodate the needs of Registrants. Additionally, the “.LTD” gTLD will be geared towards reaching business entities denoted by the abbreviation LTD, helping to establish a unique online delineator for global businesses operating under the “limited distinction. Through our registry service we will strive to provide consumer confidence by servicing a specific industry of businesses and accurately representing their entity type online.

The social implications of business identity theft and consumer confusion are a paramount concern to DOT Registry. In our currently unstable economy, stimulating economic growth is vital. One means to such growth is by defusing the rampant, legitimate fear caused by online crimes and abuse, which leads to curtailed consumer behavior. By introducing the “.LTD” domain into the DNS, DOT Registry will attempt to reduce the social impact of identity theft on business owners which will in turn reduce consumer fears related to spending and ultimately boost economic growth in regards to consumption and purchase power.

Dot Registry’s application currently contains the following registration policies and naming conventions, which directly address the concerns listed by GAC in their April 11th advice (the below excerpts are pulled directly from our application response to question 18):

- 1) “.LTD” registration will be restricted to businesses registered as Limited Companies.
- 2) Registrants will be asked to submit at minimum their registered business name, registered business address, registered agent or applicable administrative contact, country of organization, and agree to a statement indicating that they are indeed a registered limited company in the jurisdiction they have provided.

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- 3) Registrants will only be awarded the “.LTD” domain that matches or includes a substantial part of the Registrant’s registered business name . For example, Blue Star Partners, LTD. would be able to purchase either BlueStarPartners.LTD or BlueStar.LTD.
- 4) If there are registrants applying for the same domain names, which correspond to their legal business names as registered in different jurisdictions, then the “.LTD” domain will be awarded on a first-come, first-served basis to the first registrant. If a registrant’s “.LTD” domain has already been awarded to another registrant with the same or similar legal name, then DOT Registry will offer to award such registrant a “.LTD” domain with a distinctive denominator including but not limited to a tag, company describer, or name abbreviation. For example, if BlueStar.LTD was awarded to Blue Star Partners, LTD. of Wales, then Blue Star Partners, LTD. of Kansas would be offered the opportunity to use BlueStarPartners.LTD.
- 5) However, if a registrant has a trademark registered with the United States Patent and Trademark Office (USPTO), then such registrant will have priority over any other registrant to be awarded the applied for “.LTD” domain.
- 6) Registrants will not be allowed to register product line registrations, regardless of the products affiliation to the limited company. All awarded domains must match or include a substantial part of the Registrant’s legal name.
- 7) If DOT Registry discovers that a registrant wrongfully applied for and was awarded a “.LTD” domain, then such “.LTD” will be immediately forfeited to DOT Registry. Wrongful application includes but is not limited to: a registrant misrepresenting itself as a limited company, a registrant participating in illegal or fraudulent actions, or where a registrant would be in violation of our abuse policies described in Question 28 (including promoting or facilitating spam, trademark or copyright infringement, phishing, pharming, willful distribution of malware, fast flux hosting, botnet command and control, distribution of pornography, illegal access to other computers or networks, and domain kiting/tasting).
- 8) Registrants will not be allowed to register names that infringe on the legal rights of other individuals or companies, allude to criminal activities, or contain in any part racially offensive language.
- 9) DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction (as more fully described in our Abuse Policies in question 28 below), or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Latin, LLC, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, LLC, registry services provider, or any Registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant’s pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.
- 10) DOT Registry’s registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

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Additionally, DOT Registry will provide a Web-based WHOIS application, which will be located at www.whois.ltd. The WHOIS Web application will be an intuitive and easy to use application which will allow the general public to easily access registration information for each “.LTD” site. A complete description of these services can be found in Question 26 below.

11) All Registrants awarded a “.LTD” domain will agree to a one year minimum contract, which will need to be renewed on an annual basis. Renewal is the sole responsibility of the Registrant. Registrant’s failing to renew their awarded domains by their expiration dates will be given a sixty (60) day renewal grace period prior to their domain being revoked and returned to general availability.

12) DOT Registry, is not liable or responsible in any way for any errors, omissions or any other actions by any third party (including any Registrar service) arising out of or related to a given Registrant’s application for, registration of, renewal of, or failure to register or renew a particular domain name.

13) Through the registration process, all Registrants will be expected to designate an administrative contact for their application. This contact would possess all the rights granted by DOT Registry or its designated agents to act in respect to the given domain including, but not limited to, managing the domain name or any services associated thereto.

DOT Registry LLC will additionally implement a series of Rights Protection Mechanisms (RPM) included but not limited to: Support for and interaction with the Trademark Clearinghouse (“Clearinghouse”), use of the Trademark Claims Service, segmented Sunrise Periods allowing for the owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks, subsequent Sunrise Periods to give trademark owners or Registrant’s that own the rights to a particular name the ability to block the use of such name, stringent take- down services and Uniform Dispute Resolution Policies.

Question 22

Protection of Geographic Names at the Second Level of your proposed gTLD

Applicant has thoroughly reviewed ISO 3166-1 and ISO 3166-2, relevant UN documents on the standardization of geographic names, GAC correspondence relating to the reservation of geographic names in the .INFO TLD, and understands its obligations under Specification 5 of the draft Registry Agreement. Applicant shall implement measures similar to those used to protect geographic names in the .INFO TLD by reserving and registering to itself all the geographic place names found in ISO-3166 and official country names as specified by the UN. Applicant has already discussed this proposed measure of protecting geographic names with its registry services provider, Neustar, and has arranged for such reservation to occur as soon after delegation as is technically possible.

Question 26

Whols Compliance

As with the .INFO TLD, only if a potential second-level domain registrant makes a proper showing of governmental support for country or territorial names will Applicant then relay this

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request to ICANN. At this point, Applicant would wait for the approval of the GAC and of ICANN before proceeding to delegate the domain at issue.

Applicant recognizes the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders, and the public as a whole, and is firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement and relevant RFCs.

Applicant's back-end registry services provider, Neustar, has extensive experience providing ICANN and RFC-compliant WHOIS services for each of the TLDs that it operates both as a Registry Operator for gTLDs, ccTLDs, and back-end registry services provider. As one of the first "thick" registry operators in the gTLD space, the WHOIS service provided by Applicant's registry services operator has been designed from the ground up to display as much information as required by ICANN and respond to a very stringent availability and performance requirement.

Some of the key features of Applicant's WHOIS services will include:

- Fully compliant with all relevant RFCs including 3912;
- Production proven, highly flexible, and scalable (applicant's back-end registry services provider has a track record of 100% availability over the past 10 years);
- Exceeds current and proposed performance specifications;
- Supports dynamic updates with the capability of doing bulk updates;
- Geographically distributed sites to provide greater stability and performance; and
- Search capabilities (e.g., IDN, registrant data) that mitigate potential forms of abuse as discussed below.

Applicant's registry services operator will provide thick WHOIS services that are fully compliant with RFC 3912 and with Specifications 4 and 10 of the Registry Agreement.

Applicant's WHOIS service will support port 43 queries, and will be optimized for speed using an in-memory database and a master-slave architecture between SRS and WHOIS slaves. RFC 3912 is a simple text based protocol over TCP that describes the interaction between the server and client on port 43. Applicant's registry services operator currently processes millions of WHOIS queries per day.

In addition to the WHOIS Service on port 43, Applicant will provide a Web-based WHOIS application, which will be located at www.whois.LTD. This WHOIS Web application will be an intuitive and easy to use application for the general public to use. The WHOIS Web application provides all of the features available in the port 43 WHOIS. This includes full and partial search on:

- Domain names
- Nameservers
- Registrant, Technical and Administrative Contacts
- Registrars

The WHOIS web application will also provide features not available on the port 43 service.

These include:

- Extensive support for international domain names (IDN)
- Ability to perform WHOIS lookups on the actual Unicode IDN

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- Display of the actual Unicode IDN in addition to the ACE-encoded name
- A Unicode to Punycode and Punycode to Unicode translator
- An extensive FAQ
- A list of upcoming domain deletions

Applicant will also provide a searchable web-based WHOIS service in accordance with Specification 4 Section 1.8 The application will enable users to search the WHOIS directory to find exact or partial matches using any one or more of the following fields:

- Domain name
- Contacts and registrant's name
- Contact and registrant's postal address, including all the sub-fields described in EPP (e.g., street, city, state or province, etc.)
- Registrar ID
- Name server name and IP address
- Internet Protocol addresses
- The system will also allow search using non-Latin character sets which are compliant with IDNA specification

The WHOIS user will be able to choose one or more search criteria, combine them by Boolean operators (AND, OR, NOT) and provide partial or exact match regular expressions for each of the criterion name-value pairs. The domain names matching the search criteria and their WHOIS information will quickly be returned to the user.

In order to reduce abuse for this feature, only authorized users will have access to the Whois search features after providing a username and password.

Applicant will provide third party access to the bulk zone file in accordance with Specification 4, Section 2 of the Registry Agreement. Credentialing and dissemination of the zone files will be facilitated through the Central Zone Data Access Provider, which will make access to the zone files in bulk via FTP to any person or organization that signs and abides by a Zone File Access (ZFA) Agreement with the registry. Contracted gTLD registries will provide this access daily and at no charge.

Applicant will also provide ICANN and any emergency operators with up-to-date Registration Data on a weekly basis (the day to be designated by ICANN). Data will include data committed as of 00:00:00 UTC on the day previous to the one designated for retrieval by ICANN. The file(s) will be made available for download by SFTP, unless ICANN requests other means in the future. Applicant's Legal Team will regularly monitor the registry service provider to ensure that they are providing the services as described above. This will entail random monthly testing of the WHOIS port 43 and Web-based services to ensure that they meet the ICANN Specifications and RFCs as outlined above, if not, to follow up with the registry services provider to ensure that they do. As the relevant WHOIS will only contain Applicant's information, Applicant's WHOIS services will necessarily be in compliance with any applicable privacy laws or

Question 28

Abuse Prevention and Mitigation

General Statement of Policy

Abuse within the registry will not be tolerated. DOT Registry will implement very strict policies and procedures to minimize abusive registrations and other activities that have a negative impact on Internet users. DOT Registry's homepages will provide clear contact information for its Abuse Team, and in accordance with ICANN policy DOT Registry shall host NIC.LTD, providing access to .LTD's Whois services, the Abuse Policy, and contact information for the Abuse Team.

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Anti-Abuse Policy

DOT Registry will implement in its internal policies and its Registry-Registrar Agreements (RRAs) that all registered domain names in the TLD will be subject to a Domain Name Anti-Abuse Policy ("Abuse Policy").

The Abuse Policy will provide DOT Registry with broad power to suspend, cancel, or transfer domain names that violate the Abuse Policy. DOT Registry will publish the Abuse Policy on its home website at NIC.LTD and clearly provide DOT Registry's Point of Contact ("Abuse Contact") and its contact information. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of abuse complaints, and a telephone number and mailing address for the primary contact. DOT Registry will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made.

In addition, with respect to inquiries from ICANN-Accredited registrars, the Abuse Contact shall handle requests related to abusive domain name practices.

Inquiries addressed to the Abuse Contact will be routed to DOT Registry's Legal Team who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy as described in more detail below. DOT Registry will catalog all abuse communications in its CRM software using a ticketing system that maintains records of all abuse complaints indefinitely. Moreover, DOT Registry shall only provide access to these records to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

The Abuse Policy will state, at a minimum, that DOT Registry reserves the right to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary to ; (1) to protect the integrity and stability of the registry; (2) to comply with applicable laws, government rules or requirements, or court orders; (3) to avoid any liability, civil or criminal, on the part of DOT Registry, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) to correct mistakes made by the DOT Registry, registry services provider, or any registrar in connection with a domain name registration; (5) during resolution of any dispute regarding the domain; and (6) if a Registrant's pre-authorization or payment fails; or (7) to prevent the bad faith use of a domain name that is identical to a registered trademark and being used to confuse users.

The Abuse Policy will define the abusive use of domain names to include, but not be limited to, the following activities:

- Illegal or fraudulent actions: use of the DOT Registry's or Registrar's services to violate the laws or regulations of any country, state, or infringe upon the laws of any other jurisdiction, or in a manner that adversely affects the legal rights of any other person;
- Spam: use of electronic messaging systems from email addresses from domains in the TLD to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of Web sites and Internet forums;

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- Trademark and Copyright Infringement: DOT Registry will take great care to ensure that trademark and copyright infringement does not occur within the .LTD TLD. DOT Registry will employ notice and takedown procedures based on the provisions of the Digital Millennium Copyright Act (DMCA) ;
- Phishing: use of counterfeit Web pages within the TLD that are designed to trick recipients into divulging sensitive data such as usernames, passwords, or financial data;
- Pharming: redirecting of unknowing users to fraudulent Web sites or services, typically through DNS hijacking or poisoning;
- Willful distribution of malware: dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and trojan horses.
- Fast flux hosting: use of fast-flux techniques to disguise the location of Web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast-flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or name server resolves. Fast flux hosting may be used only with prior permission of DOT Registry;
- Botnet command and control: services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct denial-of-service attacks (DDoS attacks);
- Distribution of pornography;
- Illegal Access to Other Computers or Networks: illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- Domain Kiting/Tasting: registration of domain names to test their commercial viability before returning them during a Grace Period;
- High Volume Registrations/Surveying: registration of multiple domain names in order to warehouse them for sale or pay-per-click websites in a way that can impede DOT Registry from offering them to legitimate users or timely services to other subscribers;
- Geographic Name: registering a domain name that is identical to a Geographic Name, as defined by Specification 5 of the Registry Agreement;
- Inadequate Security: registering and using a domain name to host a website that collects third-party information but does not employ adequate security measures to protect third-party information in accordance with that geographic area's data and financial privacy laws;
- Front Running: registrars mining their own web and Whois traffic to obtain insider information with regard to high-value second-level domains, which the registrar will then register to itself or an affiliated third party for sale or to generate advertising revenue;
- Whois Accuracy: Intentionally inserting false or misleading Registrant information into the TLD's Whois database in connection with the bad faith registration and use of the domain in question;
- Whois Misuse: abusing access to the Whois database by using Registrant information for data mining purposes or other malicious purposes;
- Fake Renewal Notices; misusing Whois Registrant information to send bogus renewal notices to Registrants on file with the aim of causing the Registrant to spend unnecessary money or steal or redirect the domain at issue.

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Domain Anti-Abuse Procedure

DOT Registry will provide a domain name anti-abuse procedure modeled after the DMCA's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LTD the Abuse Policy and the contact information for the Abuse Contact. Inquiries addressed to the Point of Contact will be addressed to and received by DOT Registry's Legal Time who will review and if applicable remedy any Complaint regarding an alleged violation of the Abuse Policy. DOT Registry will catalog all abuse communications and provide them to third parties only under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any correspondence ("Complaint") from a complaining party ("Complainant") to the Abuse Contact will be ticketed in DOT Registry's CRM software and relayed to DOT Registry's Abuse Team. A member of DOT Registry's Abuse Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email and that DOT Registry will notify the Complainant of the results of the Complaint within ten (10) days of receiving the Complaint.

DOT Registry's Abuse Team will review the Complaint and give it a "quick look" to see if the Complaint reasonably falls within an abusive use as defined by the Abuse Policy. If not, the Contact will write an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated abusive uses as defined by the Abuse Policy and that DOT Registry considers the matter closed.

If the quick look does not resolve the matter, DOT Registry's Abuse Team will give the Complaint a full review. Any Registrant that has been determined to be in violation of DOT Registry policies shall be notified of the violation of such policy and their options to cure the violation. Such notification shall state:

- 1) the nature of the violation;
- 2) the proposed remedy to the violation;
- 3) the time frame to cure the violation; and
- 4) the Registry's options to take subsequent action if the Registrant does not cure the violation.

If an abusive use is determined DOT Registry's Abuse Team will alert it's Registry services team to immediately cancel the resolution of the domain name. DOT Registry's Abuse Team will immediately notify the Registrant of the suspension of the domain name, the nature of the complaint, and provide the Registrant with the option to respond within ten (10) days or the domain will be canceled.

If the Registrant responds within ten (10) business days, it's response will be reviewed by the DOT Registry's Abuse Team for further review. If DOT Registry's Abuse Team is satisfied by the Registrant's response that the use is not abusive, DOT Registry's Abuse Team will submit a request by the registry services provider to reactivate the domain name. DOT Registry's Abuse Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the Registrant does not respond within ten (10) business days, DOT Registry will notify the registry services team to cancel the abusive domain name.

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This Anti-Abuse Procedure will not prejudice either party's election to pursue another dispute mechanism, such as URS or UDRP.

With the resources of DOT Registry's registry services personnel, DOT Registry can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one (1) business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, questions, or comments concerning the request, and an outline of the next steps to be taken by Application for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by DOT Registry and involves the type of activity set forth in the Abuse Policy, the sponsoring registrar is then given forty-eight (48) hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar has not taken the requested action after the 48-hour period (i.e., is unresponsive to the request or refuses to take action), DOT Registry will place the domain on "serverHold".

Maintenance of Registration Criteria

If a Registrant previously awarded the ".LTD" domain ceases to be registered with a Secretary of State or legally applicable jurisdiction, such Registrant will be required to forfeit the assigned ".LTD" domain at their designated renewal date.

If DOT Registry discovers that a Registrant wrongfully applied for and was awarded a ".LTD" domain, then such ".LTD" will be immediately forfeited to DOT Registry.

If a Registrant previously awarded a ".LTD" domain is dissolved and/or forfeited for any reason, then such ".LTD" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".LTD" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LTD" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

A Registrant's "Active" Status will be verified annually. Any Registrant not considered "Active" by the definition listed above in question 18 will be given a probationary warning, allowing time for the Registrant to restore itself to "Active" Status. If the Registrant is unable to restore itself to "Active" status within the defined probationary period, their previously assigned ".LTD" will be forfeited. In addition, DOT Registry's definition of "Active" may change in accordance with the policies of the Secretaries of State.

Orphan Glue Removal

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often supports correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in the DNS. Therefore, when DOT Registry has written evidence of actual abuse of orphaned glue, DOT Registry will take action to remove those records from the zone to mitigate such malicious conduct.

DOT Registry's registry service operator will run a daily audit of entries in its DNS systems and compare those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either DOT Registry or its registry services operator becomes aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

Whols Accuracy

DOT Registry will provide Whols accessibility in a reliable, consistent, and predictable fashion in order to promote Whols accuracy. The Registry will adhere to port 43 Whols Service Level Agreements (SLAs), which require that port 43 WHOIS service be highly accessible and fast.

DOT Registry will offer thick Whols services, in which all authoritative Whols data—including contact data—is maintained at the registry. DOT Registry will maintain timely, unrestricted, and public access to accurate and complete Whols information, including all data objects as specified in Specification 4. Moreover, prior to the release of any domain names, DOT Registry's registrar will provide DOT Registry with an authorization code to verify eligible Registrants provide accurate Registrant contact information.

In order to further promote Whols accuracy, DOT Registry will offer a mechanism whereby third parties can submit complaints directly to the DOT Registry (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete Whols data. Such information shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, DOT Registry will examine the current Whols data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to cancel or suspend the applicable domain name(s) should DOT Registry determine that the domains are being used in a manner contrary to DOT Registry's abuse policy.

DOT Registry shall also require authentication and verification of all Registrant data. DOT Registry shall verify the certificates of incorporation, whether a corporation is in active status, contact information, e-mail address, and, to the best of its abilities, determine whether address

information supplied is accurate. Second-level domains in the TLD shall not be operational unless two (2) out of three (3) of the above authentication methods have been satisfied.

With regard to registrars, DOT Registry shall provide financial incentives for pre-authentication of Registrant data prior to such data being passed to the registry. DOT Registry will provide for lower renewal and bulk registration fees in its RRAs for registrations which have been pre-authenticated and which DOT Registry can rely on as accurate data to be entered into its Whois database. Also in its RRAs, DOT Registry will also provide for higher fees and penalties for Registrant data which is obscured by proxies.

DOT Registry will also maintain historical databases of Registrants and associated information which have provided inaccurate Whois information. DOT Registry will endeavor to use this database to uncover patterns of suspicious registrations which DOT Registry shall then flag for further authentication or for review of the Registrant's use of the domain in question to ensure Registrant's use is consonant with DOT Registry's abuse policy.

In addition, DOT Registry's Abuse Team shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of domain names within the applied-for TLD to test the accuracy of the Whois information. Although this will not include verifying the actual information in the WHOIS record, DOT Registry will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the registrar, who shall be required to address those complaints with their Registrants. Thirty days after forwarding the complaint to the registrar, the DOT Registry will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DOT Registry reserves the right to suspend the applicable domain name(s) should DOT Registry determine that the Registrant is using the domain in question in a manner contrary to DOT Registry's abuse policy. DOT Registry shall also reserve the right to report such recalcitrant registrar activities directly to ICANN.

Abuse Prevention and Mitigation – Domain Name Access

All domain name Registrants will have adequate controls to ensure proper access to domain functions.

In addition to the above, all domain name Registrants in the applied-for TLD will be required to name at least two (2) unique points of contact who are authorized to request and/or approve update, transfer, and deletion requests. The points of contact must establish strong passwords with the registrar that must be authenticated before a point of contact will be allowed to process updates, transfer, and deletion requests. Once a process update, transfer, or deletion request is entered, the points of contact will automatically be notified when a domain has been updated, transferred, or deleted through an automated system run by DOT Registry's registrar. Authentication of modified Registrant information shall be accomplished 48 Hours.

Question 29

Rights Protection Mechanisms

DOT Registry is committed to implementing strong and integrated Rights Protection Mechanisms (RPM). Use of domain names that infringe upon the legal rights of others in the TLD will not be tolerated. The nature of such uses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. DOT Registry will protect the legal rights of others by implementing RPMs and anti-abuse policies backed by robust responsiveness to complaints and requirements of DOT Registry's registrars.

Trademark Clearinghouse

Each new gTLD Registry will be required to implement support for, and interaction with, the Trademark Clearinghouse ("Clearinghouse"). The Clearinghouse is intended to serve as a central repository for information to be authenticated, stored, and disseminated pertaining to the rights of trademark holders. The data maintained in the Clearinghouse will support and facilitate other RPMs, including the mandatory Sunrise Period and Trademark Claims service.

Utilizing the Clearinghouse, all operators of new gTLDs must offer: (i) a Sunrise registration service for at least 30 days during the pre-launch phase giving eligible trademark owners an early opportunity to register second-level domains in new gTLDs; and (ii) a Trademark Claims Service for at least the first 60 days that second-level registrations are open. The Trademark Claims Service is intended to provide clear notice to a potential registrant of the rights of a trademark owner whose trademark is registered in the Clearinghouse.

Sunrise A Period

DOT Registry will offer segmented Sunrise Periods. The initial Sunrise Period will last [minimum 30 days] for owners of trademarks listed in the Clearinghouse to register domain names that consist of an identical match of their listed trademarks. All domain names registered during the Sunrise Period will be subject to DOT Registry's domain name registration policy, namely, that all registrants be validly registered corporations and all applied-for domains will only be awarded the ".LLC" domain that matches or includes a substantial part of the Registrant's legal name. DOT Registry will assign its Rights Protection Team; which is lead by our Director of Legal and Policy and further supported by two dedicated employees to receive and authenticate all Sunrise Registrations.

DOT Registry's registrar will ensure that all Sunrise Registrants meet sunrise eligibility requirements (SERs), which will be verified by Clearinghouse data. The proposed SERs include: (i) ownership of a mark that is (a) nationally or regionally registered and for which proof of use, such as a declaration and a single specimen of current use – was submitted to, and validated by, the Trademark Clearinghouse; or (b) that have been court-validated; or (c) that are specifically protected by a statute or treaty currently in effect and that was in effect on or before 26 June 2008, (ii) optional registry elected requirements concerning international classes of goods or services covered by registration; (iii) representation that all provided information is true and correct; and (iv) provision of data sufficient to document rights in the trademark.

Upon receipt of the Sunrise application, DOT Registry will issue a unique tracking number to the Registrar, which will correspond to that particular application. All applications will receive tracking numbers regardless of whether they are complete. Applications received during the

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Sunrise period will be accepted on a first-come, first-served basis and must be active corporations in good standing before they may be awarded the requested domain, or able to proceed to auction. Upon submission of all of the required information and documentation, registrar will forward the information to DOT Registry's [RPM Team] for authentication. DOT Registry's [RPM Team] will review the information and documentation and verify the trademark information, and notify the potential registrant of any deficiencies. If a registrant does not cure any trademark-related deficiencies and/or respond by the means listed within one (1) week, DOT Registry will notify its registrar and the domain name will be released for registration. DOT Registry will incorporate a Sunrise Dispute Resolution Policy (SDRP). The SDRP will allow challenges to Sunrise Registrations by third parties for a ten-day period after acceptance of the registration based on the following four grounds: (i) at time the challenged domain name was registered, the registrant did not hold a trademark registration of national effect (or regional effect) or the trademark had not been court-validated or protected by statute or treaty; (ii) the domain name is not identical to the mark on which the registrant based its Sunrise registration; (iii) the trademark registration on which the registrant based its Sunrise registration is not of national or regional effect or the trademark had not been court-validated or protected by statute or treaty; or (iv) the trademark registration on which the domain name registrant based its Sunrise registration did not issue on or before the effective date of the Registry Agreement and was not applied for on or before ICANN announced the applications received.

After receiving a Sunrise Complaint, DOT Registry's [RPM Team] will review the Complaint to see if the Complaint reasonably asserts a legitimate challenge as defined by the SDRP. If not, DOT Registry's [RPM Team] will send an email to the Complainant within thirty-six (36) hours of sending the confirmation email that the subject of the complaint clearly does not fall within one of the delineated grounds as defined by the SDRP and that DOT Registry considers the matter closed.

If the domain name is not found to have adequately met the SERs, DOT Registry's [RPM Team] will alert the registrar and registry services provider to immediately suspend the resolution of the domain name. Thereafter, DOT Registry's [RPM Team] will immediately notify the Sunrise Registrant of the suspension of the domain name, the nature of the complaint, and provide the registrant with the option to respond within ten (10) days to cure the SER deficiencies or the domain name will be canceled.

If the registrant responds within ten (10) business days, its response will be reviewed by DOT Registry's [RPM Team] to determine if the SERs are met. If DOT Registry's [RPM Team] is satisfied by the registrant's response, DOT Registry's [RPM Team] will submit a request to the registrar and the registry services provider to unsuspend the domain name. DOT Registry's [RPM Team] will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial.

Names secured as described through the Sunrise AT/AD processes will result in the registration of resolving domain names at the registry. Names reserved through the Sunrise B process will not result in resolving domain name at DOT Registry. Rather, these names will be reserved and blocked from live use. The applied for string will resolve to an informational page informing visitors that the name is unavailable for registration and reserved from use.

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Applications that fit the following criteria will be considered during the Sunrise A period:
Applicant owns and operates an existing domain name in another gTLD or ccTLD, in connection with eligible commerce and satisfies the registration requirements described in Section 1.

Sunrise B

Applications that fit the following criteria will be considered during the Sunrise B period:

- a) Applicant holds valid trademark registrations or owns rights to a particular name and wishes to block the use of such name.
- b) The Applicant must seek to block a name that corresponds to the entire text of its trademark or the complete textual component of a graphical or compound trademark. Certain variances are permitted for trademarks containing spaces or special characters that are not available for domain names.

Any entity, applying for blocks under Sunrise B as a non-member of the sponsored community cannot apply for names in the TLD.

Founder's Program

Applications for the Founder's Program will be accepted after the close of the Sunrise Periods. Potential registrants should understand that certain expectations, as described herein will accompany the issuance of a domain name under the Founder's Program and all registrations resulting from this program will be required to follow the below listed guidelines, which will be further described in their Program Agreement:

- a) Registrants awarded a domain through the Founder's Program must use their best efforts to launch a ".LLC" website within 30 days of signing the Program Agreement.
- b) In addition, each registrant will be required to issue a press release announcing the launch of their ".LLC" Founder Website, concurrent with the launch of their .LTD Founder Website, said press release must be approved by DOT Registry;
- c) Founder's websites should be kept good working order, with unique, meaningful content, user-friendly interfaces, and broad user appeal, for the duration of the License Term,
- d) Founders are expected to proactively market and promote ".LLC" gTLD in a manner that is likely to produce widespread awareness of the unique advantages gained through the ".LLC" string.
- e) Founders are expected to participate in reasonable joint marketing initiatives with DOT Registry or its Agents, these would be discussed and mutually agreed upon, given the unique circumstances of each marketing venture.
- f) Founders will allow DOT Registry to use in good faith Founder's name, likeness, trademarks, logos, and Application contents (other than Confidential Information,) as well as other Founder information and content as may be mutually agreed, in DOT Registry's marketing, promotional and communications materials.

DOT Registry will randomly verify compliance of the above listed expectations and have the right to revoke any Founder's site, should they be deemed non-compliant.

Landrush

Landrush is a limited time opportunity for companies that want to secure a high value ".LLC" name for a small fee (above the basic registration cost). The landrush period will last 30 days. Applications will be accepted and evaluated to determine if they meet the requirements for registration. At the end of the Landrush period domain names with only one application will be awarded directly to the DOT Registry. Domain names with two or more applications will proceed to a closed mini auction, between the respective DOT Registrys, where the highest bidder wins.

General Availability Period

DOT Registry must meet registration requirements.

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Names will be awarded on a first-come, first serve basis which is determined as of the time of the initial request, not when authentication occurs.

Domain Name Contentions

Name contentions will arise when both a Sunrise A and Sunrise B application are submitted for the same name, the following actions will be taken to resolve the contention.

- a) Both DOT Registries will be notified of the contention and the Sunrise A DOT Registry will be given first right to either register their requested domain or withdraw their application. Since “.LLC” is a sponsored community domain for registered Corporations, a domain applied for under Sunrise A will, all else being equal, receive priority over the identical domain applied for under Sunrise B. Sunrise A names get priority over Sunrise B names.
- b) If the Sunrise A DOT Registry chooses to register their name regardless of the contention, then the Sunrise B DOT Registry may choose to pursue further action independently of DOT Registry to contest the name.
- c) If two Sunrise A DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet both seek to be awarded the use of DELTA.LTD) then DOT Registry will notify both DOT Registries of the contention and proceed to an auction process as described in Section 9.
- d) If a Sunrise A DOT Registry and a Landrush DOT Registry apply for the same domain name, the Sunrise A DOT Registry, all else being equal will have priority over the Landrush DOT Registry.
- e) If two Sunrise B DOT Registries apply for the same domain name (i.e., Delta Airlines and Delta Faucet, both seek to block the use of DELTA. INC), then DOT Registry will accept both applications as valid and block the use of the indicated domain.

Appeal of Rejected Sunrise Applications

An DOT Registry can file a request for reconsideration within 10 days of the notification of DOT Registry’s rejection. Reconsideration can be requested by completing a reconsideration form and filing a reconsideration fee with DOT Registry. Forms, fee information, and process documentation will be available on the DOT Registry website. Upon receipt of the reconsideration form and the corresponding fee, DOT Registry or its Agents will re-examine the application, and notify the Registrant of all findings or additional information needed. The Request for Reconsideration must be submitted through the Registrant’s registrar, and a reconsideration fee must be paid to DOT Registry.

Auctions

Sunrise A names found to be in contention as described above will result in Auction. DOT Registry plans to have a qualified third party conduct our auction processes, therefore the rules contained in this document are subject to change based on the selection of an auctioneer:

- a) When your auction account is created, it will be assigned a unique bidder alias in order to ensure confidential bidding. The bidder alias will not reflect any information about your account. You may change your bidder alias to a name of your choosing but once set, it cannot be changed again.
- b) All auction participants are expected to keep their account information current, throughout the auction process.
- c) Auction participants will receive up to date communication from the auctioneer as the auction progresses, bidding status changes, or issues arise.
- d) Bidding
 - i) Auctions will follow a standard process flow: scheduled (upcoming), open and closed.
 - ii) You will receive an “Auction Scheduled” notice at least ten (10) days prior to the scheduled auction start date. You will receive an “Auction Start” notice on the auction start date, which will

indicate that you may begin placing bids through the interface. Once closed, the auction is complete and if you are the winning bidder, you will proceed to the payment process.

iii) If you choose to bid for a particular domain and you are the highest bidder at the end of an auction, you are obligated to complete the transaction and pay the Auctioneer the amount of your winning bid. Carefully consider your bids prior to placing them - bids are not retractable under any circumstances.

iv) If no bids are placed on a particular domain, the Registry will register the domain on behalf of the first customer (in the respective phase) to submit an application through a registrar.

e) Extensions

i) A normal auction period is anticipated to last a minimum of 7 (seven) days. However, in the event of significant auction activity, an auction close may extend during the last twenty-four (24) hours of scheduled operation to better need the volume of the auction.

ii) Auction extensions are meant to provide a mechanism that is fair for bidders in all time zones to respond to being outbid.

iii) An auction extension will occur whenever the auction lead changes in the last twenty four (24) hours of the schedule of an auction. The close will be revised to reflect a new closing time set at twenty four (24) hours after the change in auction lead occurred. Essentially, this means that a winning maximum bid has to remain unchallenged for a period of twenty four (24) hours before the auction will close.

iv) It is important to note that extensions are not simply based on the auction value changing since this could occur as a result of proxy bidding where the same bidder retains their lead. In this case, the maximum bid has not changed, the leader has not changed and therefore no extension will occur.

f) Payment Default

In the event that you as the winning bidder decide not to honor your payment obligations (or in the event of a reversal of payment or a charge back by a credit card company or other payment provider) on any outstanding balance, the Registry has the right to cancel any/all of your winning registrations for any .LTD domain name, regardless of whether they have been paid for or not. You do not have the right to “pick and choose” the names you wish to keep or not keep. Winning an auction creates an obligation to remit payment. Failure to remit payment is a breach of your agreement.. You will lose any previously won domains and will no longer be allowed to bid on any current or future auctions sponsored by DOT Registry. Participants are encouraged therefore to consider carefully each bid submitted as any bid could be a winning bid.

Trademark Claims Service

DOT Registry will offer a Trademark Claims Service indefinitely to provide maximum protection and value to rights holders. The Trademark Claims Service will be monitored and operated by DOT Registry’s RPM Team that will receive all communications regarding the Trademark Claims Service and catalog them. DOT Registry’s registrar will review all domain name requests to determine if they are an identical match of a trademark filed with the Trademark Clearinghouse. A domain name will be considered an identical match when the domain name consists of the complete and identical textual elements of the mark, and includes domain names where (a) spaces contained within a mark that are either replaced by hyphens (and vice versa) or omitted; (b) certain special characters contained within a trademark are spelled out with appropriate words describing it (e.g., @ and &); and (c) punctuation or special characters contained within a mark that are unable to be used in a second-level domain name are either (i) omitted or (ii) replaced by spaces, hyphens or underscores. Domain names that are plural forms of a mark, or that merely contain a mark, will not qualify as an identical match.

If the registrar determines that a prospective domain name registration is identical to a mark registered in the Trademark Clearinghouse, the registrar will be required to email a “Trademark Claims Notice” (Notice) in English to the protective registrant of the domain name and copy DOT Registry’s RPM Team. The Notice will provide the prospective registrant information regarding the trademark referenced in the Trademark Claims Notice to enhance understanding of the Trademark rights being claimed by the trademark holder. The Notice will be provided in real time without cost to the prospective registrant.

After receiving the notice, the registrar will provide the prospective registrant five (5) days to reply to the Trademark Claims Service with a signed document that specifically warrants that: (i) the prospective registrant has received notification that the mark is included in the Clearinghouse; (ii) the prospective registrant has received and understood the notice; and (iii) to the best of the prospective registrant’s knowledge the registration and use of the requested domain name will not infringe on the rights that are the subject of the notice. If the warranty document satisfies these requirements, the registrar will effectuate the registration and notify DOT Registry’s RPM Team.

After the effectuation of a registration that is identical to a mark listed in the Trademark Clearinghouse, the registrar will provide clear notice to the trademark owner consisting of the domain name that has been registered and copy DOT Registry’s RPM Team. The trademark owner then has the option of filing a Complaint under the Uniform Domain Name Dispute Resolution Policy (UDRP) or the Uniform Rapid Suspension System (URS).

Uniform Rapid Suspension System (URS)

DOT Registry will specify in the Registry Agreement, all RRAs, and all Registration Agreements used in connection with the TLD that it and its registrars will abide by all decisions made by panels in accordance with the Uniform Rapid Suspension System (URS). DOT Registry’s RPM Team will receive all URS Complaints and decisions, and will notify its registrar to suspend all registrations determined by a URS panel to be infringing within a commercially reasonable time of receiving the decision. DOT Registry’s RPM Team will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Uniform Domain Name Dispute Resolution Policy (UDRP)

DOT Registry will specify in the Registry Agreement, all Registry-Registrar Agreements, and Registration Agreements used in connection with the TLD that it will promptly abide by all decisions made by panels in accordance with the Uniform Domain Name Dispute Resolution Policy (UDRP). DOT Registry’s RPM Team will receive all UDRP Complaints and decisions, and will notify its registrar to cancel or transfer all registrations determined to by a UDRP panel to be infringing within ten (10) business days of receiving the decision. DOT Registry’s [RPM Team] will catalog all abuse communications, but only provide them to third-parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Proven Registrars

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In order to reduce abusive registrations and other activities that affect the legal rights of others, DOT Registry will only contract with ICANN-accredited registrars. The registrar, according to the RRA, will not be able to register any domain names, thus eliminating the possibility of front-running.

Pre-Authorization and Authentication

Registrant authentication shall occur in accordance with the registration eligibility criteria and the Anti-Abuse Policy for .LTD as set forth in Question 28.

The verification process is designed to prevent a prospective registrant from providing inaccurate or incomplete data, such that, if necessary, the registrant can be readily contacted regarding an infringing use of its site; indeed, the process (including verification of a registrant's certificate of incorporation) is designed to ensure that only qualified members of the community are permitted to register in the TLD.

DOT Registry will not permit registrants to use proxy services.

Thick Whois

DOT Registry will include a thick Whois database as required in Specification 4 of the Registry agreement. A thick Whois provides numerous advantages including a centralized location of registrant information, the ability to more easily manage and control the accuracy of data, and a consistent user experience.

Grace Period

If a Registrant previously awarded a ".LLC" domain is dissolved and/or forfeited for any reason, then such ".LLC" domain will be forfeited to DOT Registry at their designated renewal time; unless such Registrant takes all reasonable steps to become reinstated and such Registrant is reinstated within six months of being dissolved and/or forfeited.

If a Registrant previously awarded the ".LLC" domain is administratively dissolved by the Secretary of State or legally applicable jurisdiction, then such ".LLC" will be forfeited to DOT Registry at their designated renewal time, unless such Registrant is reinstated within six months of being administratively dissolved.

Takedown Procedure

DOT Registry will provide a Takedown Procedure modeled after the Digital Millennium Copyright Act's notice-and-takedown procedure.

At all times, DOT Registry will publish on its home website at NIC.LTD contact information for receiving rights protection complaints (Complaint) from rights holders, including but not limited to trademark and copyright Complaints. Complaints will be addressed to and received by DOT Registry's RPM Team who will catalogue and ticket in DOT Registry's CRM software and review as outlined herein. DOT Registry will catalog all rights protection communications and only provide

GAC Advice Response Form for Applicants



them to third parties under limited circumstances, such as in response to a subpoena or other such court order or demonstrated official need by law enforcement.

Any Complaint from a rights holder will be relayed to DOT Registry's RPM Team. A member of DOT Registry's RPM Team will then send an email to the Complainant within forty-eight (48) hours of receiving the Complaint confirming receipt of the email, and that DOT Registry will notify the Complainant of the results of the Complaint within (10) days of receiving the Complaint.

After sending the confirmation email, DOT Registry's RPM Team will review the Complaint. If DOT Registry or its registrar determines that the registration was in bad faith, DOT Registry or its registrar may cancel or suspend the resolution of the domain name. Bad faith registration includes, but is not limited to, the registration of a domain identical to a registered trademark where the registrant has proceeded with registration after receipt of a Clearinghouse notice, as described above.

If the registrant responds within ten (10) business days, its response will be reviewed by the DOT Registry's RPM Team if DOT Registry's RPM Team is satisfied by the registrant's response that the content has been taken down or is not infringing, DOT Registry's RPM Team will unsuspend the domain name. DOT Registry's RPM Team will then notify the Complainant that its complaint was ultimately denied and provide the reasons for the denial. If the registrant does not respond within ten (10) business days, DOT Registry or its registrar may cancel or suspend the resolution of the domain name.

This Takedown Procedure will not prejudice any party's election to pursue another dispute mechanism, such as URS or UDRP, as set forth in DOT Registry's response to Question 28.

State of Tennessee



The Secretary of State
State Capitol
Nashville, Tennessee 37243-0305

Tre Hargett
Secretary of State

615-741-2819
Tre.Hargett@tn.gov

February 22, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, CA 90094-2536

Subject: Letter of Support for the Restricted Use of the Top Level
Domains, ".INC", ".LLC", ".CORP", and ".LLP"

To Whom It May Concern,

This letter confirms that the Tennessee Secretary of State's Office is charged with registering businesses in the State of Tennessee. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses, which can be further divided into the following designations: The Community of Registered Corporations, the Community of Registered Limited Liability Companies and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With growing national concern about fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their respective Secretary of State's Office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tre Hargett".

Tre Hargett
Secretary of State



OFFICE OF THE SECRETARY OF STATE

ROSS MILLER
Secretary of State

March 8, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles CA 90094-2536

RE: Restricted Use of Domains using .inc, .llc, .corp and .llp

TO WHOM IT MAY CONCERN;

My office is responsible for processing the organizational, amendatory and annual filings for Nevada corporations, limited liability companies, limited partnerships and other statutory business entities. These entities do business as Nevada entities not only in Nevada, but throughout the U.S. and around the world. My office is the second most popular business entity filing jurisdiction in the country, behind Delaware.

Fraudulent use of corporate entities, business identity theft and consumer protection are of growing concern to me, as is the potential of abuse by those offering online services. The free and unregulated issuance of names using these extensions is also a concern because of possible confusion or deception caused by entities that are not properly registered in my office.

It is my understanding that DOT Registry, LLC has applied to you for the use of the domain names with these extensions. I believe that restrictions and policies must be crafted not only to protect Nevada and U.S. entities, but also the consumers utilizing the associated web sites. I also understand that DOT Registry, LLC's application may include provisions protecting entities on file with my office, other Secretaries of State and state filing offices. Regardless of the applicant, such restrictions and protections must be in place.

I remain available if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink that reads "Ross Miller".

ROSS MILLER
Secretary of State

ONE HUNDRED ONE NORTH CARSON STREET, SUITE THREE
CARSON CITY, NEVADA 89701-4786
(775) 684-5708 • FAX (775) 684-5717



STATE OF NEBRASKA

JOHN A. GALE
SECRETARY OF STATE

P.O. Box 94608
State Capitol, Suite 2300
Lincoln, NE 68509-4608
Phone 402-471-2554
Fax 402-471-3237
www.sos.state.ne.us

February 3, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

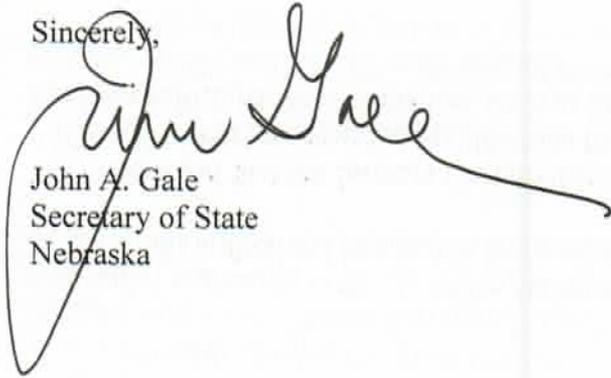
Ladies and Gentlemen:

This letter confirms that the State of Nebraska, Office of the Secretary of State, is charged with administering Nebraska's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with the Secretary of State.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,


John A. Gale
Secretary of State
Nebraska

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE

STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Paul Spurgeon
Dot Registry
208 W 19th Street
Kansas City MO 64108-2002

Dear Mr. Spurgeon,

I will not replicate the "form" letter on my letterhead that you requested for my signature in your e-mail message that I received today. It is not in a format or text that is comfortable for me.

However, because of my concern with the possible approval by ICANN of these extensions, I am willing to provide you with the enclosed letter. You may use it, as you deem appropriate.

By the way, NASS has not yet approved a letter, as referenced in your message. Although it was circulated through the membership of the Business Services Committee, the Executive Committee has not yet given final approval to the letter.

If Bill Clark or you have any questions or concerns about my letter, you are certainly welcomed to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State

Cc William H. Clark Jr.

ALVIN A. JAEGER
SECRETARY OF STATE

HOME PAGE www.nd.gov/sos



PHONE (701) 328-2900

FAX (701) 328-2992

E-MAIL sos@nd.gov

SECRETARY OF STATE
STATE OF NORTH DAKOTA
600 EAST BOULEVARD AVENUE DEPT 108
BISMARCK ND 58505-0500

March 23, 2012

Internet Corporation for Assigned Names and Numbers
1101 New York Avenue NW Suite 930
Washington DC 20005

To Whom It May Concern:

As the Secretary of State, I have the administrative oversight of various business entity registrations filed in my state.

It is my understanding that your organization (ICANN) is now accepting applications for a new expanded top level domain name program. I have learned that extensions such as .INC, .LLC, .LLP, and .CORP may be under consideration and that is of significant concern to me.

If ICANN considers approving these extensions, I respectfully request that they be approved and awarded to a company that has submitted an application that includes restrictions they will abide by, which would provide all of the possible protection for legitimate businesses and consumers from confusion or fraud.

All of these mentioned extensions are recognized under North Dakota state law as a means of identifying various types of business entities that are legally filed with my office. Therefore, it is important to ensure that the website domain name being considered for a business entity is only extended to a business entity that has a corresponding legal registration identified with that domain name. These business entities, with their registration, have lawfully earned the right to use these entity identifiers. That right should not be infringed about by any company or individual that has not obtained the legal use of them through the registration process in one of the states.

Therefore, along with my fellow members of the National Association of Secretaries of State (NASS), I am of the opinion that these extension identifiers should only be extended to entities in their respective states that are legally and appropriately registered with the Secretary of State, or the equivalent state agency.

During the past several months, the NASS Business Services Committee (of which I am a member) has been considering the proposed ICANN program and has been reviewing the potential impact these new extensions would have on existing businesses and new businesses registering with the various states.

As one member of the committee, I believe it is fundamental that NASS be consulted by companies such as DOT Registry or any other applicants regarding policy related to the registering and identifying of businesses as this expanded program is considered by ICANN. And, if ICANN approves these extensions, the successful recipient will agree to extend the new extensions only to a "community" of businesses appropriately and legally registered in one of the various states.

Without having appropriate restrictions in place, I would strongly oppose approving these extensions and awarding them to any company.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Jaeger".

Al Jaeger
Secretary of State



State of North Carolina
Department of the Secretary of State

ELAINE F. MARSHALL
SECRETARY OF STATE

February 13, 2012

Dot Registry
208 W 19th St
Kansas City, MO 64108

Dear Ladies and Gentlemen:

This letter advises that the Department of the Secretary of State of North Carolina is charged with overseeing the business formation process for the formation of corporations, limited liability companies (LLCs), non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of North Carolina's database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (ICANN) will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers that are registered with their state's administrator.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a Secretary of State or equivalent agency. I believe that entities not appropriately registered and maintained in any state should be prohibited from strings that would misrepresent their existence. As most Secretaries of State are not equipped to verify legitimate entity existence, even though we maintain that information, the verification process should be a requirement, albeit not ours.

Sincerely,

A handwritten signature in cursive script that reads "Elaine F. Marshall".

Elaine F. Marshall



STATE OF MINNESOTA
Office of Minnesota Secretary of State
Mark Ritchie

FAX COVER SHEET

DATE: Wednesday, February 13, 2013

TOTAL NUMBER OF PAGES (*Including Cover Sheet*): 2

RECIPIENT INFORMATION:	SENDER'S INFORMATION:
TO: SHAUL JOLLES	FROM: MARK RITCHIE
PHONE:	PHONE: 651-201-1324
FAX: 816-994-9333	FAX: 651-296-9073

SUBJECT: LETTER OF SUPPORT FOR THE RESTRICTED USE OF THE TOP LEVEL DOMAINS

COMMENTS/INSTRUCTIONS: LETTER ATTACHED



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 13, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC", ".LLC",
".CORP", and ".LLP"

To Whom this May Concern:

This letter confirms that The Office of the Minnesota Secretary of State is charged with registering businesses in the State of Minnesota. In addition, my office monitors the position of good standing each of these businesses maintains and their overall right to conduct business transactions or commerce within the United States. The companies registered with this office are members of the larger community of registered U.S. Businesses which can be further divided into the following designations: The Community of Registered Corporations, The Community of Registered Limited Liability Companies, and the Community of Limited Liability Partnerships.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. This office has been informed that DOT Registry, LLC has submitted community applications for these strings, with restrictions that are intended to protect U.S. companies that are registered with the Secretary of State. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should only be issued under a community designation in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies must be in place to protect the community of U.S. Registered Businesses and to ensure that these extensions are only representative of members of their respective communities as verified through their Secretary of States Office.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie".

MARK RITCHIE
Secretary of State



STATE OF MINNESOTA
Office of the Minnesota Secretary of State
Mark Ritchie

February 1, 2012

Dot Registry
208 W. 19th St.
Kansas City, MO 64108

To Whom It May Concern:

This letter confirms that the State of Minnesota, Office of the Secretary of State, is charged with regulating and protecting Corporations registered in the State of Minnesota. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC." With restrictions that are intended to protect U.S. companies that are registered with the Secretaries of State.

We believe that such strings should only be issued to companies that are registered with a Secretary of State. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC." without restrictions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Ritchie", written over a horizontal line.

MARK RITCHIE
Secretary of State

KRIS W. KOBACH
Secretary of State



Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4575
www.sos.ks.gov

STATE OF KANSAS

February 7, 2012

Dot Registry
208 W 19th St
Kansas City, Missouri 64108

Subject: Letter of support for the Restricted Use of the Top Level Domains, ".INC"
and ".LLC"

Ladies and Gentlemen:

This letter confirms that the State of Kansas, Office of the Secretary of State, is charged with administering Kansas's database of registered business entities. The companies registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new web extensions this year. This office has been informed that companies, such as DOT Registry, LLC, will be applying for the strings, ".INC" and ".LLC" with restrictions that are intended to protect U.S. companies and consumers.

In the event ICANN decides to issue these strings and in order to further the public policy reasons for which entities file at the state level, we believe that such strings should only be issued to companies that are registered with a secretary of state or equivalent agency. It is important that registry companies provide access to the information provided by registered companies for jurisdictional purposes. Our office believes that such restrictions are integral to these strings and will object to the use of the strings, ".INC" and ".LLC" without any restrictions.

Sincerely,

A handwritten signature in black ink that reads "Kris W. Kobach".

Kris W. Kobach
Secretary of State



JASON KANDER
SECRETARY OF STATE
STATE OF MISSOURI

CAPITOL OFFICE
ROOM 208
(573) 751-2379

JAMES C. KIRKPATRICK
STATE INFORMATION CENTER
(573) 751-4936

February 5, 2013

Internet Corporation of Assigned Names and Numbers
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094-2536

Subject: Letter of support for the Restricted Use of the Top Level Domains, “.INC” and “.LLC”
“.CORP”, and “.LLP”

To Whom It May Concern:

The Missouri Secretary of State’s Office is charged with overseeing the business formation process for the formation of corporations, limited liability companies, non-profit companies, professional associations, and several other types of business structures, as well as the maintenance of Missouri’s database relating to the aforementioned business entities. The businesses registered with this office are members of the larger community of corporations authorized to conduct business in the United States.

We understand that the Internet Corporation for Assigned Names and Numbers (“ICANN”) is in the process of reviewing applications that refer to the business entity designations of INC, LLC, LLP and CORP. With the growing national concern related to fraudulent business registration, business identity theft, and online consumer protection, this office believes that these strings should be issued under a community designation of companies that are registered with the Secretary of State or equivalent agency in order to protect both the members of this community and consumers at large.

Our office believes that specific restrictions and policies should be in place to protect the community of U.S. businesses and to ensure that these extensions are representative of members of their respective communities as verified through their Secretary of State’s Office. Further, this office does not support the use of the strings, “.INC” and “.LLC” “.CORP”, and “.LLP” without restrictions that protect this important community of registered US Businesses.

Sincerely,

A handwritten signature in black ink that reads "Jason Kander".

Jason Kander

JAMES C. KIRKPATRICK STATE INFORMATION CENTER
600 W. MAIN STREET • JEFFERSON CITY 65101

ADMINISTRATIVE RULES • BUSINESS SERVICES • ELECTIONS • PUBLICATIONS • SECURITIES • STATE ARCHIVES • STATE LIBRARY • WOLFNER LIBRARY



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 20, 2012

ICANN
Attn: gTLD Program
4676 Admiralty Way
Suite 330
Marina del Rey, CA 90292-6601

To Whom It May Concern:

As Delaware's Secretary of State, I administer the State's company registry and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities, such as corporations and limited liability companies, (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 63% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies around the world.

I understand that the Internet Corporation for Assigned Names and Numbers ("ICANN") will be accepting applications for new generic Top Level Domain (gTLD) name extensions this year. I have been informed that at least one firm – DOT Registry LLC – and possibly several other firms, plan to apply for the strings ".INC", ".CORP", ".LLC" and other potentially related extensions that state registries define as "company endings".

I join a chorus of federal and state officials who urge ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse. As such, it is absolutely critical that if ICANN determines to grant such name extensions, that it does so in a restricted manner that is intended to protect consumers and the community of interest that exists among validly registered U.S. companies and my fellow State secretaries of state and other State company registrars that are responsible for administering the nation's legal entity registration system.

ICANN – gTLD program
March 20, 2012

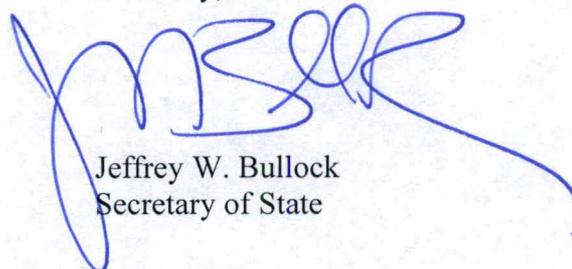
I therefore request that ICANN reject any request for the unrestricted use of “.INC”, “.LLC”, “.LLP”, “.CORP”, “.BANK”, “.TRUST” or similar commonly used company endings in the United States. The State of Delaware will object to the granting of such strings without restrictions.

I further request that, at a minimum, any approval for company ending strings be restricted in such a way that reasonably assures that the legal entity is, in fact, an active and validly registered legal entity in the United States, as DOT Registry LLC has proposed within its application. Specifically, any firm awarded the responsibility of administering such strings should be required to confirm whether the legal entity is validly formed according to criteria and documentation established by the states, and be required to check annually at renewal that the entity remains validly registered and actively in good standing according to criteria and documentation established by the states. The restrictions should further require that the homepage of such websites provide a mechanism that provides for the disclosure of the jurisdiction in which the entity is legally domiciled or include a geographic tag within the website name.

In order to reduce the risk of fraudulent activity, Delaware law places additional restrictions on the use of words such as “bank” and “trust” that are commonly associated with financial institutions. I therefore urge ICANN to seriously consider comment letters that have been submitted by the American Bankers Association and others urging ICANN to reject or place very significant restrictions on applications for the use of name extensions such as “.BANK” and “.TRUST”.

If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration of this request.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, National Association of Secretaries of State



STATE OF DELAWARE
DEPARTMENT OF STATE

JEFFREY W. BULLOCK
SECRETARY OF STATE

March 5, 2013

Heather Dryden
Governmental Advisory Committee
Attn: GAC Secretariat
ICANN
12025 Waterfront Drive #300
Los Angeles, CA 90094

Suzanne Radell
Senior Policy Advisor
National Telecommunications and Information Administration (NTIA)
Department of Commerce
1401 Constitution Ave. NW
Washington, DC 20230
SRadell@ntia.doc.gov

Dear Ms. Dryden and Ms. Radell:

As Delaware's Secretary of State, I administer the State's company registry, and am responsible for protecting the integrity of Delaware's legal entity registration system. Nearly one million legal entities such as corporations and limited liability companies (LLC) are organized in the United States under the laws of the State of Delaware.

The State of Delaware is the legal domicile of 64% of Fortune 500 companies, 55% of the firms listed on the two major U.S. stock exchanges, and 80% of new initial public offerings in the United States. Delaware is also the legal home to many of America's largest private-held and non-profit companies and hundreds of thousands of subsidiaries and affiliates of major companies in North America and around the world.

In March of 2012, I imparted my concerns about ICANN's application review process for generic Top Level Domain (gTLDs) name extensions defined by state and provincial registries as "company endings". Such company endings include, but are not limited to, ".INC", ".CORP", ".LLP", ".LTD", ".GMBH", ".COMPANY" and "LLC". At that time, I joined a chorus of federal and state officials in the United States who had urged ICANN to proceed cautiously and deliberately in any approvals of new gTLDs. Delaware's view is that the granting of such name extensions creates a number of public policy issues and concerns – not the least of which is increasing the potential for fraud and abuse.

Since expressing my initial concerns, I have followed the application and early warning process closely. More recently, I've learned of ICANN's new "Public Interest Commitments" (PIC) process and its associated "Public Interest Commitment Dispute Resolution Process" (PICDRS). Having the benefit of ICANN's response to my initial concerns and having reviewed the applications that have been submitted, I have no confidence that ICANN is interested in or capable of putting a system of clear and transparent enforcement mechanisms in place to ensure that "company endings" are not used for fraudulent or misleading purposes.

The responses I have received from ICANN and others have failed to acknowledge in any way the complex public policy questions raised by allowing gTLDs that use company endings. Instead, the responses have focused entirely on the process for filing objections to applications. The singular focus on an approval process rather than recognizing the serious policy implications associated with its granting of certain gTLDs calls into question whether ICANN is capable of evaluating, instituting and enforcing meaningful measures to protect consumers and legitimate legal entities from fraud and abuse.

Over 30 applications were submitted for various company endings, and while some of the applications include a proposed verification process, many do not. Only one applicant sought any input whatsoever from the affected community in my state and nationally. So it is no surprise that applicants that did propose a verification system failed to propose systems with enforceable mechanisms for safeguarding consumers, the public at large, state regulators, and the Internet itself from the types of fraud and abuse that are likely to occur in the absence of specific safeguards.

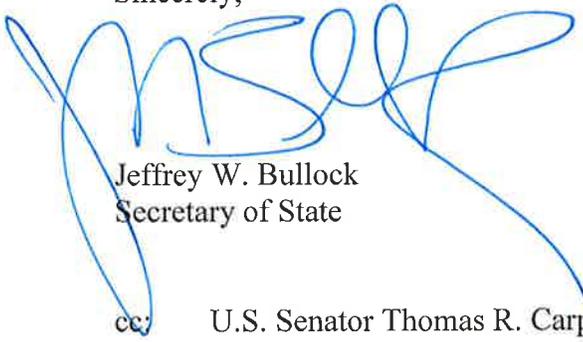
At this stage of the gTLDs process, I continue to believe that the public is best served if these company endings are not made available for use. I do not see an overriding public policy purpose or strong business case for ICANN to make them available – especially when hundreds of additional gTLDs are soon to become available.

It is also clear to me that any enforcement mechanism administered through ICANN is unlikely to provide the appropriate level of ongoing enforcement over the use of these sensitive gTLDs. The new PICDRS process, while no doubt well-intentioned, requires constant vigilance by the impacted community of company registrars. Not awarding these gTLDs is the preferred alternative. However, if such gTLDs are to be awarded and if there is going to be an effective and real-time enforcement mechanism, it must originate from the community with the greatest interest – namely, the company registrar

community represented in North America by organizations such as the International Association of Commercial Administrators (IACA) and the National Association of Secretaries of States (NASS) or in the case of non-U.S. endings such as .GMBH and .LTD with similar registrar communities elsewhere.

I am pleased to share these concerns and recommendations with you and I would welcome the opportunity to discuss them in greater detail. I am hoping that the GAC may be the appropriate vehicle for blocking the award of such gTLDs and assuring that adequate protections for consumers and businesses are put in place. If you have any questions, please contact me or Richard J. Geisenberger, Chief Deputy Secretary of State, at 302-739-4111. Thank you for your consideration.

Sincerely,



Jeffrey W. Bullock
Secretary of State

cc: U.S. Senator Thomas R. Carper
U.S. Senator Christopher A. Coons
U.S. Congressman John C. Carney, Jr.
Richard J. Geisenberger, Chief Deputy Secretary of State
Leslie Reynolds, Executive Director, NASS

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	AC Webconnecting Holding B.V.
Application ID	1-882-71415
Applied for TLD (string)	cam

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendations made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.). Should the ICANN board decide to request that these sections of the application are to be implemented into the ICANN new gTLD agreement, we are willing to comply with such a request.

While we do not believe this will add any additional public benefit for the users of this TLD, we accept the new requirement to only accredit registrars signing the new RAA in our TLD.

Thank you very much for this opportunity to highlight our view on these issues.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotGreen Community Inc.
Application ID	1-884-75541
Applied for TLD (string)	.GREEN

Response:

The GAC Advice to ICANN regarding Community Support for new gTLDs (New gTLDs section 1E of Beijing GAC Communiqué) is very important, straightforward, comprehensive, and exactly within the expectation of the role of the GAC in the new gTLD program and in the ICANN processes. The GAC Advice regarding Community Support as it relates to the .GREEN TLD must be accepted in full by ICANN. The following explains how this GAC Advice impacts the .GREEN TLD, an important global TLD designed to serve the global Public Interest.

Section 1E - Community Support for Application:

The GAC advised ICANN “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

FACT: For the first time in the history of the bottoms up multi-stakeholder process at ICANN, the GREEN Internet user voice has joined the discussion at ICANN through representation by DotGreen Community Inc. (“DGC”). In addition, members of the global green community have participated in the online ICANN Public Comment Forum, thus learning more about ICANN and its processes. Finally, many international delegates have interacted with the local Green Community leaders during DGC sponsored People and Planet Events alongside ICANN meetings in four of five ICANN regions so far.

Keeping the voice of Green stakeholders of the Internet active at ICANN meetings, and serving the Public Interest is at risk because there are three other non-community supported applicants for .GREEN. The selection of which applicant will operate the .GREEN TLD will cause tremendous impact to this community as it is important that the voice of Green Stakeholders

GAC Advice Response Form for Applicants



around the world continue to be heard within ICANN and that can only be accomplished by ensuring that the Green Community's representative, DGC, operates the .GREEN TLD. The other three applications in the .GREEN contention set do not reflect or represent the Green Community or the Green Community's interests in any way. Their interests as existing registries is already a well represented (also needed) perspective among the stakeholders at ICANN policy discussions. The Green Community will be severely negatively impacted if an entity not intimate with "GREEN" and not supported by this community stands to take over this valuable identity and internationalized term which many in the Green Movement from all regions of the world both on and offline have already aligned their values with. Industries and people are shifting to GREEN and this is reflected in other governing bodies, and should be at ICANN too.

The Global Public, and for the first time, the Green Community, contributed its voice through the multi-stakeholder process of bottoms-up consensus driven policy via the ICANN New gTLD Public Comments component of the process and it is imperative that the ICANN Board listens and reacts appropriately.

DotGreen has 100% of the positive and supportive comments documented in ICANN's Public Forum, and zero objectionable comments about DotGreen. This is not true of the three competitors who have all received multiple negative new gTLD commentary from the Public with regards to their application(s) and no positive or supportive comments. The reason for this is DGC has the support of the Green Community - plain and simple.

In addition, the three competitors all received a GAC Early Warning in November 2012 prior to this GAC advice. DotGreen Community did not receive an Early Warning.

EarthShare a significant part of the green community, is a Federation of more than 500 of the world's largest and International Environmental Organizations, all of whom have hundreds of corporate partners and collectively represent millions of individual members acting together for GREEN. In 2008, EarthShare wrote a letter directly to ICANN to inform the Board of their support for the new .GREEN TLD initiative and for DGC to run it. Years later, in 2012, another letter of support, and affirmation from EarthShare, was posted on the ICANN website in the Public Comments Forum. It states that as a member of the GREEN Community, it requests that ICANN delegate the .GREEN TLD to DGC and explains why this is so important.

The bottoms-up multi-stakeholder model requires public comment to be true to its process. The voice of the public has been collective and clear. DotGreen Community is the clear representative of the Green Community, and the only applicant who is qualified to run the .GREEN TLD and all that entails to serve this community appropriately. After the almost 6 years of open and transparent global public outreach about .GREEN, about the Green Community, about ICANN, and about new gTLDs in general, by DGC, the public has never voiced an objection or negative comment specifically about DGC or its .GREEN initiative. The Green Community without doubt continues to support and requests that ICANN delegate the .GREEN TLD to DGC.

ICANN gains legitimacy on the global stage through fulfilling its own mandates of the new gTLD Program:

- Public Comment Process
- GAC Advice from the International Governmental Stakeholders

GAC Advice Response Form for Applicants



- Broad global community support for a community string
- Public Interest (.GREEN is clearly a global Public Interest TLD)
- The Applicant Guidebook

All of these mandates are very important to the legitimacy of the new gTLD process, the Affirmation of Commitments, the core values of ICANN, and the Public Interest. ICANN must act first for the benefits of Internet users, and all decisions and outcomes must be in the Public Interest.

The following excerpts from The Affirmation of Commitments precisely confirm the above statements.

“3. This document affirms key commitments by DOC and ICANN, including commitments to: (a) ensure that decisions made related to the global technical coordination of the DNS are made in the public interest and are accountable and transparent;...” Affirmation of Commitments.

“4. DOC affirms its commitment to a multi-stakeholder, private sector led, bottoms-up policy development model for DNS technical coordination that acts for the benefit of global Internet users. A private coordinating process, the outcomes of which reflect the public interest, is best able to flexibly meet the changing needs of the Internet and of Internet users. ICANN and DOC recognize that there is a group of participants that engage in ICANN's processes to a greater extent than Internet users generally. To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.” – Affirmation of Commitments

“6. DOC also affirms the United States Government's commitment to ongoing participation in ICANN's Governmental Advisory Committee (GAC). DOC recognizes the important role of the GAC with respect to ICANN decision-making and execution of tasks and of the effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the Internet DNS.” – The Affirmation of Commitments

Conclusion: All of the positive .GREEN public comments submitted (49) were in support of the DGC application. There were no positive comments submitted for the other applications and in fact, they received negative comments. It is very objectively clear that the Green Community has selected and contributed appropriately to the multi-stakeholder discussion on who should operate .GREEN and that is DGC. ICANN recognizes that there is a group of participants that engage in ICANN's processes to a greater extent than Internet users generally. ICANN has affirmed its commitment to ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders. It is also clear in the Affirmation of Commitments that as ICANN must adhere to a multi-stakeholder, bottoms-up process, that includes listening to the GAC and acting on GAC Advice where it relates to Public Interest and the outcomes of ICANN's decisions must always be for the Public Interest and Internet user.

At the time of this letter, DotGreen Community, Inc. is the only applicant for the .GREEN TLD who has passed the Initial Evaluations. The other .GREEN applicants are still eligible for refunds. ICANN has achieved international legitimacy for the new gTLD process by listening to GAC

GAC Advice Response Form for Applicants



Advice, and by providing for further consultation when needed. While ICANN is not expected to take all GAC Advice, it is responsible to accept the GAC's Advice when aligned with the new gTLD program, supportive of multi-stakeholder governance, and ICANN's mandates of Consumer Trust, Choice, Competition and Innovation. The GAC Advice delivered to ICANN on Community Supported is such advice and in fact warrants removing the non-community supported .GREEN TLD applications from the new gTLD program.

In summary, the global Green Community has participated at ICANN appropriately through the multi-stakeholder process by way of DGC, letters to ICANN, the online public comments forum, and even through representative members of the GAC. It has been confirmed to ICANN that the .GREEN TLD has tremendous potential on the Internet to positively impact people and planet and should be managed by an applicant from the Green Community for the Green Community. ICANN must act and adhere to the principles of Public Interest as is written in the Affirmation of Commitments – by ensuring the interests of the global Internet users are protected. ICANN must also protect the multi-stakeholder model, the new gTLD program, its relationship with the GAC, and its own legitimacy on the international stage. This is accomplished by listening to and accepting GAC Advice as it relates to Community Support. .GREEN, critically important to the future of our people and planet, is clearly a global Public Interest TLD. DotGreen has the support of its community, clearly represents a valuable Internet stakeholder at ICANN ensuring consumer trust and choice on the Internet. DGC is the only entity in the history of ICANN who has brought the clear voice of the "Green" stakeholder to Internet governance at ICANN. As part of ICANN's Affirmation of Commitments, ICANN is directed to make decisions in the Public Interest, incorporate the global interests of Internet users into its bottoms-up policy development through the multi-stakeholder model and to listen and accept GAC Advice when its aligned with the new gTLD program, and then to take action! It is for all these reasons, that all registry's applications for .GREEN should be removed from the program to prevent detriment and harm to the processes and to ICANN, the Green Community, and the public. The .GREEN TLD should be awarded by ICANN to the community supported DGC on the basis of GAC Advice and the Public Interest.

The next section of GAC Advice DGC will address is New gTLDs Section 1B (Annex I) relating to Safeguards Advice.

.GREEN was mentioned in the non-exhaustive list. While this was a part of the official GAC Advice, the issues addressed appear to be in the categories of policy development and the Applicant Guidebook. While we feel this section does not fall into the original spirit and intent of GAC Advice, we will nonetheless address these issues below. Should ICANN decide that this GAC Advice is outside the new gTLD program, or is irrelevant to the .GREEN TLD, the reader may skip our response below.

Section 1B Safeguard Advice for New gTLDs sections 1 – 5 (Annex 1)

While we understand the GAC's concerns, we will describe below how we either are already addressing these issues or describe how they are not applicable.

GAC Advice - 1. Registry operators will include in its acceptable use policy that registrants comply with all applicable laws, including those that relate to privacy, data collection, consumer

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protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. It will also only work with Registrars who sign the 2013 Registrar Accreditation Agreement. In addition, as stated in its application, DGC will require all .GREEN registrants to confirm their understanding of the Green concept. And DGC will also take action against .GREEN domain names used in a harmful or abusive manner not consistent with the principles of Green and Sustainability.

GAC Advice - 2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. In addition, it will only work with Registrars who sign the 2013 Registrar Accreditation Agreement.

GAC Advice - 3. Registry operators will require 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 and recognized industry standards.

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. In addition, it will only work with Registrars who sign the 2013 Registrar Accreditation Agreement.

GAC Advice - 4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

DGC has been and always will be very closely involved with the global Green and Sustainability Community and will work to ensure that the .GREEN TLD space will be operated in accordance with both applicable laws and consumer protections. It should be noted that there are multiple entities including governments around the world, involved with Green monitoring, certification, etc. and while DGC will continue to work closely within the Green community, it is not the role of DGC as a Registry for .GREEN to declare "who and what is green and who and what is not green."

DGC's plans are for .GREEN to be an inclusive space and to welcome in those entities and individuals, products, and ideas who are interested in Green online, who are in the process of going green or who desire to become greener - this is already how this important global movement grows. It grows freely. This is a perfect match for the open Internet. DGC has included in its application the ability to take action against .GREEN domain names that are being used in a negative or harmful way toward Green and Sustainable activities.

GAC Advice - 5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, for the notification of complaints or reports of

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registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

The DGC application for .GREEN includes strong safeguards and adherence to all ICANN required (via the Applicant Guidebook) protections and safeguards. In addition, there are contractual safeguards that are built into the Registry Agreement DGC will sign with ICANN as well as additional safeguards for Registrants given DGC will only work with Registrars who have signed the 2013 RAA with ICANN.

Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

DotGreen Community, Inc. has noted that there are three descriptive types of Category 1 which are listed by the GAC. They are: Consumer Protection, Sensitive Strings, and Regulated Markets. Below we make the distinction that not all apply to the .GREEN string.

Consumer Protection

Research behind .GREEN shows that Consumer protection will be enhanced through the deliberate use of .GREEN domain names by the Green Community on the Internet due to the intrinsic traits and benefits of the Internet, such as networking, sharing, and transparency. The Green Movement has grown by itself, and will continue to do so even faster online with the use of the .GREEN TLD. DGC's adherence to all ICANN policies, the New gTLD Guidebook, the Registry Agreement and working only with Registrars who sign the 2013 RAA will ensure the best possible outcome for the Internet users of .GREEN and ultimately the consumer.

Sensitive Strings

The GAC has recognized that .GREEN is a sensitive string. The term GREEN has already been identified with by governments, initiatives, not-for-profit organizations, businesses, people and their technologies who share the values associated with the definition of the word GREEN. Allowing .GREEN delegation to an applicant who is unsupported by the Green Community would cause detriment to those all around the world who already identify with this sensitive term today. Internet users may see this as a Greenwashing by ICANN to declare a new .GREEN TLD run by a registry from the Internet business who is not Green and is not involved with Green or the Community. Greenwashing of the .GREEN TLD even before it launches would cause Public Detriment to the Green Community who take pride and who understand GREEN.

The word GREEN is not regulated in the world and cannot be regulated today as a word. Therefore, .GREEN is not a regulated or regulate-able market. We understand what the GAC is looking for. However, It is not the job of a TLD registry operator to decide the definition of the international and generic word GREEN. It is applicable to many things, ideas, even people and their individual approaches to living. No one entity can possibly certify a community or a movement of the masses such as GREEN and yet, the movement exists and it is good.

Regulated Markets

This is not applicable to .GREEN as GREEN is not a regulated market.

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The GAC Further Advises the Board (Items 6-8)

6. At the time of registration, the registry operator must verify and validate the registrants' authorizations, charters, licenses and/or other related credentials for participation in that sector.

This item is not applicable to .GREEN as explained previously. "GREEN" is not a regulated sector, and because of its broad definition, it can never be a regulated sector. Parts of the Green Movement can be specialized and regulated but not the overarching term or generic word Green which is used to apply to a millennia of things.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

This item is not applicable to .GREEN as explained previously. "GREEN" the word is not a regulated sector, there is no license or credentials needed to use or apply the same generic word "GREEN" to thoughts, ideas, things, way of life, etc. for millions of diverse people. Therefore there is no relevant national supervisory authority or equivalent to consult with.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

Once again "GREEN" is not regulated as a generic term, therefore this part of GAC Advice does not apply to .GREEN. At the time DGC applied to ICANN, there was no requirement of expertise needed for validating licenses, documents, programs, and regulations other than what is required in the Industry to run and manage a TLD.

The last section of GAC Advice DGC will address is Section 5 (Annex II) Public Interest Commitments Specifications (PIC) – DGC did submit PIC's related to its continuing and direct involvement in ensuring the .GREEN TLD is operated in the best interests of the global Green Community and Internet users. Given the GAC Advice provided relative to PIC's pertains to ICANN's implementation of the PIC process, DGC will provide no further comments on this area other than to re-enforce our commitments to our PIC's submitted and the following:

FACT: DGC was originally founded for the sole purpose to help people and planet for the global Public Interest. DGC's initiative and business plan was designed by a collaboration of university faculty, green MBA students, environmental organizations, and business experts for the purpose of bringing to the world its first environmental Top Level Domain for the Public Interest .

This concludes the response from DGC. Thank you for your attention to this very important portion of the new gTLD program process. DGC wishes to thank ICANN for the opportunity to respond to the GAC Advice offered to the ICANN Board with regards to the new gTLD program, and the .GREEN string.

OPTIONAL READ

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Below is further explanation and examples of why the generic word GREEN is not a regulated market which a few believe it is, and why GREEN cannot be regulated simply as a word or term. We offer some stories / examples below for the reader who may think GREEN is a regulated market. If the reader is in agreement that .GREEN is not affected by GAC's advice as a regulated market, then there is no need to continue reading as our official response to the GAC Advice to ICANN is all stated above.

DGC understands the need for third party and governmental certification companies for industry and for products, etc. However, this must not be confused with regulating a word and its definition that so many people have already been using around the world in their own way such as "GREEN". Regulation is an important component to certification programs. And certification programs are vastly respected and needed in the Green Movement. Certification is built on disciplined and measurable criteria. Regulation, like certification is generally industry specific and dictates the activity, action, process, expertise, or methodology of a specific industry sector or more likely a specific part of an industry - making such an activity, or product "certifiable." There is a big difference between a certifiable set of criteria for processes vs. a generic word used around the world to describe all kinds of things such as an approach to life, business, people, ideas, places and things.

The .GREEN TLD is an exciting tool that will be used by people all over the world to spread the knowledge and awareness of various 3rd party certification programs along with the Green Movement. DGC and Internet users recognize certifications are a serious part of the Green Movement and can be found easily at future .GREEN websites such as LEEDs.green, homemadecakes.green, travel.green, or myideas.green. ICANN must understand that GREEN itself, is not a "regulated market", it is a generic "word" with a diverse meaning to many. An attempt to regulate "GREEN" as a word which belongs to the people of the world, not to regulators or governments, or even TLD managers, will not work. GREEN is a word that has never been regulated by anyone before. The term GREEN, the Green Movement and the ability of Internet users and the Green Community have to use the .GREEN TLD to rapidly spread the awareness and education about going GREEN in a multitude and diverse number of ways for Public Interest is required.

EXAMPLES:

Why Green certification is not the same as certifying the word GREEN (as a standard meaning – one size fits all in all genres)

GREEN means many things, for example: A car company wants to use "GREEN" to present their innovative electric motor technology, which some would agree is better for the environment. However, the bicycle coalition objects to any car company using "GREEN" to certify themselves because manufacturing and driving cars is not GREEN according to them. Meanwhile the Vegetarian Association objects because some of the cyclists eat meat. And they object only to cars that have leather seats. Yet they all agree that they themselves and each other are part of the GREEN Movement and are happy to have .GREEN domain names. Again, GREEN has many different meanings to many different people in and around lifestyle, humanitarian issues, business, environmental, regional, and even thoughts, causes and personal moral choices.

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Certified Products: Individual products such as shampoo, or specific industries such as egg farming which may have serious certifications and regulations built on scientific criteria about shampoo and poultry can and may be regulated and certified, not the definition of the widely used word “GREEN.” The .GREEN TLD is an opportunity for registrants to use “.GREEN” as an online street name, like a location of where they want to do business such as a farmers market and who their values are likely to be aligned with. If consumers want certification they will seek industry and product specific certifications that are reputable in the certification industry as well as the industry of interest. These certifications are based on real science and in depth monitoring per industry requirement and are extremely detailed and exhaustive and ever changing with new discoveries, innovation, and technology. They are also usually specialized to one sector or even to one product. This is amazing work but not the role or the place of a registry operator.

Not a Regulated Market Sector: .GREEN may be loosely associated as being a market sector, yet “GREEN” does not have clear and / or regulated entry requirements as the GAC may suggest. People all over the world have been using the generic term “GREEN” and the movement is freely growing both in size and quality - without any certification program specific to the right to use the word “GREEN” by itself to describe a value, a cause, a concept which differs in meaning from one consumer to the next.

Example that Green is not a Regulated Market Sector: A young woman in Portland, might call into a public radio station, and declare, “I think I will plan a GREEN birthday party.” She did not have to be certified to use the word GREEN in her idea or in her public statement. Furthermore, there is no “GREEN” law or regulation officer that will be checking on the components of her party certifying if she can call her activity GREEN publically or privately. She can go to different sites: [birthdays.green](#), [bakery.green](#), [events.green](#) to decide just exactly what services she wants to include in her GREEN birthday party. Her guests will likely applaud her desires to go green and may even get some inspiration and good ideas for their own parties. Not all her guests are vegans, so she herself can decide if adding pasture raised local chicken teriyaki to her otherwise vegetarian menu is in keeping with her GREEN ideals and values. She would be pleased to find what she needed at [sustainablefarms.green](#), and was happy to call [taxicab.green](#) to pick up her parents from the airport. Today she is allowed to purchase [MyGreenBirthdayParty4657.com](#) without regulation, however, it is not available, so she buys [myBirthdayParty.green](#) to blog and spread the GREEN information and news of her party. She wants to make an impact by spreading awareness and encouragement to others to go green the way she already does on the phone, or on Facebook. But imagine if GREEN was regulated. The GREEN Community across the world would likely not benefit from her great ideas and experience because she invited guests who arrived by airplane and perhaps that was part of someone’s criteria who wanted GREEN to be a word of certification.

New gTLDs are about self-organization, not regulation. The following example shows further how conducting periodic post registration checks for the purpose of establishing the “GREEN-ness” of a registrant is simply not plausible for any government, entity, or registry trying to attempt to regulate GREEN across a timeline of ownership of a domain name for a world of diverse people, the choices they make, and their various changeable situations

Example: The usage of water is a very “GREEN” issue all over the world. Imagine the registrant who purchases [FlowerHobby.green](#) while living in Ireland. He runs a popular blog which shares

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information to millions of Internet users about how to organically grow an ornamental garden, making a measurable and positive impact in the Green Movement. If someone wants to get their garden certified, they will go to their local and specific authority with the expertise on certification of organic gardens, not a .GREEN TLD manager. For discussion purposes, let's assume the .GREEN registry was able to develop "GREEN" criteria for a flower hobbies so he could be certified with a .GREEN domain name. Later he moves to Las Vegas, and starts a backyard garden, and keeps his successful website and domain name. Should a registry operator investigate if he has indeed started a garden at his new home? Should the registry notice that his backyard flowers are no longer surviving on Ireland's rainwater? The environmentalists don't want any people living in the desert, because the water is imported from rivers hundreds of miles away harming fish and ecological systems. The conclusion might be that no one living in Las Vegas would be entitled to a .GREEN name. Or a conclusion could be that if someone moves, they should re-apply and possibly lose the right to maintain their thriving business at the same domain name.

Conclusion: Attempting to legislate the meaning of the word GREEN invites disunity, lawsuits, dysfunction and will destroy the opportunity for Internet users and the people of the Green Community to contribute, collaborate and progress the global Green Movement with an open flow of information on the Internet full of choice, ideas, science, education, and innovation on .GREEN websites. New gTLDs offer the Internet user a sense of organization and meaning, to an online space. Registrants want to be associated with their communities, or found by their target audience or markets. Generic words are not regulated across all genres, industries, products, thoughts, actions, lifestyles, etc. - therefore neither can generic TLDs.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Plan Bee LLC
Application ID	1-888-47096
Applied for TLD (string)	build

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

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Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

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4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

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We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully
Plan Bee LLC

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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, Annex I, and Annex II of the [GAC Beijing 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	GMO Registry, Inc.
Application ID	1-890-52980
Applied for TLD (string)	.INC

Response:

GMO Registry supports many of the tenets of the policy advice contained in the April 2013 GAC Beijing Communiqué and has already incorporated many of the same principles into our vision for a .INC namespace, as demonstrated in the publicly available policy section of our new gTLD application. We also express a willingness to examine ways in which any advice the ICANN Board decides to take on, may be adopted into the operating policy for .INC through Public Interest Commitment Specifications or other means. That said, we have serious reservations about introducing new policy requirements at this stage of the process, the disadvantage it may cause new gTLD operators in competing against legacy TLDs who are not subject to the same requirements, and that adoption of the GAC’s advice would cause significant further delays to the introduction of new gTLDs.

Safeguard Advice and Advice on Consumer Protection, Sensitive Strings, and Regulated Markets

On the grounds of process, GMO Registry raises a number of concerns about attempts to introduce new rules or requirements long after the application deadline and when some applicants have already passed Initial Evaluation. Further, beyond the “Consensus Objections”, objections to religious terms and the “Strings for Further GAC Consideration”, much of the Beijing Communiqué contains advice outside of the scope laid out in Module 3.1 (i-iii) of the Applicant Guidebook under which the GAC may advise at this stage of the process.

The GAC had every opportunity to raise these issues between 2005 and 2011 throughout the development of the new gTLD program, and arbitrarily imposing new rules at this stage of the process undermines the ICANN multi-stakeholder model, and has serious implications for new gTLD applicants that have already made a significant investment in their applications and developed business models around the requirements of the Applicant Guidebook. Indeed, in its 2007 GAC Principles Regarding New gTLDs, the GAC itself says “All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process.”

We also believe that applying the safeguards and consumer protections only to new gTLDs would not only limit the intended result, but would harm the program's goal of "enhancing competition" in the Internet namespace by placing an increased financial and operational burden on new gTLDs that be a disadvantage in competing against existing TLDs.

As such, GMO Registry urges the ICANN Board to interpret the Safeguard, Consumer Protection, Sensitive Strings, and Regulated Markets advice as policy advice, and that any new policy requirements should be developed in the transparent, "highly participative, fair, and balanced process" in line with ICANN's mission and should apply to all gTLDs. Further we ask that the Board not allow the GAC policy advice to further delay the introduction of new TLDs.

Safeguards for Corporate Identifiers

As a namespace intended for companies, trust is crucial to the mission and purpose of .INC and as such GMO Registry has developed comprehensive policies aimed at providing maximum protection for stakeholders, and establishing and preserving a reputation as a trusted namespace that corporations of all sizes will adopt as their primary online identity. We plan to implement proven security measures at every level of the registry business and technical operation including stringent security policies and procedures, as well as comprehensive abuse handling mechanisms to mitigate security threats to the TLD.

The GAC advice recommends three additional safeguards for strings labeled as "corporate identifiers" including .INC. The recommendations appear to be aimed at protecting stakeholders and mitigating abuse. As shown above, these same objectives are shared by GMO Registry.

GMO Registry's application for .INC describes plans to put in place the following registrant and string eligibility requirements.

1. Registrant Eligibility Requirements

Registrants must be a legally established corporation or company.

All .INC domain name registrants will be required to prove that the companies or organizations are legally established by providing the following company information at the time of domain name registration:

- Country Name where the company is established
- Company Identification Number Type (Business ID, Tax ID, VAT, etc.)
- Company Identification Number

2. Restrictions on Domain Name Strings

Registrants will be entitled to register domain names that are identical or similar to their company or corporation name, current or future trademark, business name, trade name, business identifier, names under which they are commonly known, slogans, acronyms, etc., including combinations thereof, in the .INC TLD.

All .INC registrars will be required to include, policies and restrictions in the registration agreement with their customers, and registrants must agree and comply. This requirement is essentially aligned with the first of the GAC's safeguards (below) and even goes further in that it also defines eligible strings.

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that

sector.

While GAC recommends validation of the registrants' qualifications, GMO Registry believes that validation is better entrusted to the authorities that issue the qualifications and have the required resources and understanding of relevant laws in their respective countries or administrative regions.

The GAC's second and third safeguards for corporate identifiers reinforce the first through additional verification and periodic monitoring. GMO Registry also seeks to reinforce the above requirements, but has proposed to do so through a comprehensive Registration Policy Compliance Dispute Resolution Policy. Under the policy, complaints would be directly handled by the registry operator and its appointed dispute resolution provider, and the registry would reserve the right to suspend, delete or lock any domain name in violation of Registration Policies.

Not only is this consistent with established industry practice, we also believe that monitoring would be of limited effect as registrants are able to register domain names that are not identical to their corporate name. Rather than forcing registries to monitor 24/7, providing means for third parties to file complaints is a far more effective approach.

The Registration Policy Compliance Dispute Resolution Policy is described in our application for .INC as follows.

Registration Policy Compliance Dispute Resolution Policy

The registry will also develop a Registration Policy Compliance Dispute Resolution Policy so as to allow third parties to file complaints against purported violations of the policies. Complaints may be filed on at least the following bases:

- Registrant Eligibility
- Name Selection

Complaints may be filed to the registry operator of .INC directly, and will be handled by the registry operator or its appointed dispute resolution provider.

After receiving a complaint, the registry operator of .INC or its appointee will investigate the claim. If the claim is valid, and depending on the nature of the violation, the complaint will be resolved by one or more of the actions from the following non-exhaustive list:

- working with the registrant to remedy the situation
- referral of the matter to the abuse point of contact
- suspending, deleting or locking the domain name in question

In addition, our application outlines a strict Abusive Use Policy that includes plans for a 24-hour abuse support window, as well as policy regarding accuracy of registration information and restriction of Whois Proxy services. The registry operator reserves the right to deny, cancel or transfer any registration or transaction or place any domain name on lock, hold or similar status in the event of a violation of either of these policies.

GMO Registry seeks to reassure the ICANN Board, and the GAC that while the proposed means of achieving the shared goals, protecting stakeholders and mitigating abuse, differs in some aspects between the GAC advice and our own .INC application, the objectives themselves are

GAC Advice Response Form for Applicants



very much aligned. However, should the ICANN Board decide to adopt the three additional safeguards for “corporate identifiers”, GMO Registry is willing to consider any necessary action including an application change request, or the adoption of PIC specifications. Finally we would remind the ICANN Board that the Applicant Guidebook specifies that “the receipt of GAC advice will not toll the processing of any application”, and also notes that there are multiple applicants for .INC and asks that any processes adopted to incorporate this advice does not delay the processing of our applications and is implemented in a way that is fair to all applicants.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	dotversicherung-registry GmbH
Application ID	1-891-92750
Applied for TLD (string)	VERSICHERUNG

Response:

dotversicherung-registry GmbH welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

dotversicherung-registry GmbH welcomes and supports the positions in the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** Community-based application for .VERSICHERUNG ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

We serve the Interests of the Community and the Public.

GAC Advice Response Form for Applicants



Our application for the string .VERSICHERUNG is a community-based application. The .VERSICHERUNG Community are the multiple stakeholders in Germany, Austria, Liechtenstein and Switzerland involved in the regulation and registration of companies eligible for services on the term "VERSICHERUNG" as well as companies and individuals offering "VERSICHERUNG" related services.

We have been successfully working since 2010 on building a long-lasting relationship to the various stakeholders of the VERSICHERUNG community including

1. Governmental organizations and authorities in Austria, Germany, Liechtenstein and Switzerland;
2. Commercial associations in Austria, Germany, Liechtenstein and Switzerland representing about 13.000 companies and insurance intermediaries of the VERSICHERUNG community;
3. Companies in Austria, Germany, Liechtenstein and Switzerland being member of the VERSICHERUNG community.

The VERSICHERUNG Community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with all relevant public and private entities that make up the VERSICHERUNG Community in Austria, Germany, Liechtenstein and Switzerland.

*** General principles of operations for .VERSICHERUNG by dotversicherung-registry GmbH ***
dotversicherung-registry GmbH would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

As the insurance market is regulated in Austria, Germany, Liechtenstein and Switzerland it is needless to say that we require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

GAC Advice Response Form for Applicants



We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by dotversicherung-registry GmbH for .VERSICHERUNG based on General Safeguards ***

dotversicherung-registry GmbH, the applicant for the .VERSICHERUNG top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - dotversicherung-registry GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. dotversicherung-registry GmbH will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - dotversicherung-registry GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, dotversicherung-registry GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If dotversicherung-registry GmbH identifies security risks that pose an actual risk of harm, dotversicherung-registry GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - dotversicherung-registry GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. dotversicherung-registry GmbH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - dotversicherung-registry GmbH will ensure that there is a mechanism for making complaints to dotversicherung-registry GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement,

fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, dotversicherung-registry GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

dotversicherung-registry GmbH assessed that the .VERSICHERUNG gTLD will require further targeted safeguards, to address specific risks, and to bring registration policies in line with the respective offline arrangements. Therefore dotversicherung-registry GmbH incorporated in the application several further safeguards:

7. At the time of registration, the registry operator will verify and validate the registrants' authorizations, charters, licenses and/or other related credentials for participation in that sector by using official registers. Only registrations from registrants, where the eligibility criteria can be positively verified, will be accepted.

8. In case of doubt with regard to the authenticity of licenses or credentials, dotversicherung-registry GmbH will consult with relevant national supervisory authorities, or their equivalents. This includes consultation with the advisory board.

9. dotversicherung-registry GmbH will conduct periodic post-registration checks on all registrants to ensure registrants' validity and compliance with the above requirements 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. In particular, dotversicherung-registry GmbH is committed to verify registrants' validity and compliance with the above requirements on an annual basis.

*** Detailed commitments by dotversicherung-registry GmbH for .VERSICHERUNG based on Regulated Industries and Consumer Protection Safeguards ***

Furthermore, dotversicherung-registry GmbH commits to operate the gTLD in a way that is consistent with applicable laws, as this TLD is related to consumer protection and regulated markets.

The following safeguards will apply to .VERSICHERUNG:

1. dotversicherung-registry GmbH has included in its acceptable use policy that registrants 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. dotversicherung-registry GmbH requires registrars at the time of registration to notify registrants of this requirement.

3. dotversicherung-registry GmbH requires 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 and recognized industry standards.

4. dotversicherung-registry GmbH established several years ago a working relationship with the relevant regulatory and industry self-regulatory bodies, including the development of a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities. This includes the advisory board, which is constituted with representatives of the aforementioned bodies.

5. Registrants will be required by dotversicherung-registry GmbH to notify to them a single point of contact 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.

*** Detailed commitments by dotversicherung-registry GmbH for .VERSICHERUNG based on Restricted Registration Policies ***

dotversicherung-registry GmbH welcomes and supports the GAC Advice as stated under Category 2 – Restricted Registration Policies:

The GAC advises the ICANN Board:

1. Restricted Access

As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1. above. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.

dotversicherung-registry GmbH has setup appropriate registration policies to prevent any risks associated with the operation of .VERSICHERUNG like consumer confusion, financial fraud and phishing According to the eligibility requirements of dotversicherung-registry GmbH, only members of the regulated VERSICHERUNG Community are eligible to register domain names under .VERSICHERUNG. According to the registration policies, eligibility will be validated before domain names are approved and re-validated on an annual basis. The policies for abusive have been setup and are described under the general and specific safeguards.

dotversicherung-registry GmbH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

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Respondent:

Applicant Name	dotreise GmbH
Application ID	1-892-71956
Applied for TLD (string)	REISE

Response:

Summary

dotreise GmbH welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

dotreise GmbH welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** General principles of operations for .REISE by dotreise GmbH ***

dotreise GmbH would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

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- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures³. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

**** Commitments by dotreise GmbH for .REISE based on General Safeguards ****

dotreise GmbH, the applicant for the .REISE Top-Level-Domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - dotreise GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. dotreise GmbH will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - dotreise GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

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3. Security checks - While respecting privacy and confidentiality, dotreise GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If dotreise GmbH identifies security risks that pose an actual risk of harm, dotreise GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - dotreise GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. dotreise GmbH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - dotreise GmbH will ensure that there is a mechanism for making complaints to dotreise GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, dotreise GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

**** Commitments by dotreise GmbH for .REISE based on Consumer Protection Safeguards ****

Furthermore, dotReise GmbH commits to operate the gTLD in a way that is consistent with applicable laws, as this TLD is related to consumer protection. The following safeguards will apply to .REISE:

1. dotreise GmbH has included in its acceptable use policy that registrants 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. dotreise GmbH requires registrars at the time of registration to notify registrants of this requirement.

3. dotreise GmbH requires 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 and recognized industry standards.

4. dotreise GmbH has established a working relationship with the relevant regulatory and industry self-regulatory bodies, including the development of a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities. This includes the advisory board, which is constituted with representatives of the aforementioned bodies.

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5. Registrants will be required by dotreise GmbH to notify to them a single point of contact 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.

Dotreise GmbH fully supports the Advice by the GAC: "Austria, Germany, and Switzerland support requirements for registry operators to develop registration policies that allow only travel-related entities to register domain names. Second Level Domains should have a connection to travel industries and/or its customers." dotreise GmbH would like to note that registration policies will be setup according to this request. However dotreise GmbH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DotSaarland GmbH
Application ID	1-893-50963
Applied for TLD (string)	.SAARLAND

Response:

In response to the GAC communiqué we would like to refer to the details of our application, which provides for an adequate registration and anti-abuse policy. We believe the proposals made by the GAC - as far as they are reasonable - have been adequately covered by our initial application.

Safeguards:

- 1) We believe whois checks on a registry level to be superfluous based on the content of the 2013 RAA.
- 2) The anti-abuse policy and abuse handling procedures detailed in our application have covered this proposal sufficiently. Our RRA will therefore include provisions requiring registrars to include said policy in their registration agreements.
- 3) The anti-abuse policy and abuse handling procedures detailed in our application have covered this proposal sufficiently. We do not see our role as provider of domain names extending to validating content, however. Such tasks should best be relegated to hosting service providers where content resides.
- 4) See 1) and 3)
- 5) This proposal shifts the current role of the registrar to the registry. As we believe in the registry-registrar model, we propose that the handling of abuse complaints by the registry should be limited – as it is now – to informing the registrar about the complaint and requesting an investigation. The registrar has the direct customer relationship with the registrant and is best equipped to review and act upon any complaints. While we propose a direct registry abuse contact in our application, we envision this as a role acting in concert with the registrar.
- 6) It is the role of the registrar to enact consequences to any abuse and violation as it is the registrar that holds the contractual relationship with the registrant.

Categories:

- 1) Having reviewed the categories, we are of the opinion that as a geographic Top Level Domain, .SAARLAND does not fit into any of the categories described by the GAC

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	dotBERLIN GmbH & Co. KG
Application ID	1-902-9993
Applied for TLD (string)	BERLIN

Response:

dotBERLIN GmbH & Co. KG, the applicant for the .BERLIN top-level domain, welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

dotBERLIN GmbH & Co. KG welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** Community-based application for .BERLIN by dotBERLIN GmbH & Co. KG ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, i.e. “Community Support for Applications”:

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“The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

We serve the Interests of the Community and the Public

Our application for the string .BERLIN is a community-based application. The .BERLIN Community are multiple stakeholders from the City of Berlin. We have been successfully working since 2005 on building a long-lasting relationship to the various stakeholders of the respective community including

1. Governmental organizations and authorities
2. Commercial and non-commercial organisations
3. Citizens

The community members have expressed a collective and clear supporting opinion on our application by supporting documents. We have consulted with all relevant public and private entities that make up the community.

*** General principles of operations for .BERLIN by dotBERLIN GmbH & Co. KG ***

dotBERLIN GmbH & Co. KG would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.”

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

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- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by dotBERLIN GmbH & Co. KG for .BERLIN based on General Safeguards ***

dotBERLIN GmbH & Co. KG will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination.

The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - dotBERLIN GmbH & Co. KG will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. dotBERLIN GmbH & Co. KG will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - dotBERLIN GmbH & Co. KG will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, dotBERLIN GmbH & Co. KG will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If dotBERLIN GmbH & Co. KG identifies security risks that pose an actual risk of harm, dotBERLIN GmbH & Co. KG will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - dotBERLIN GmbH & Co. KG will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. dotBERLIN GmbH & Co. KG will maintain these

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reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - dotBERLIN GmbH & Co. KG will ensure that there is a mechanism for making complaints to dotBERLIN GmbH & Co. KG that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, dotBERLIN GmbH & Co. KG shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

dotBERLIN GmbH & Co. KG would like to note that registration policies will be setup according to this request.

However dotBERLIN GmbH & Co. KG reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Allfinanz Deutsche Vermögensberatung Aktiengesellschaft
Application ID	1-903-23146
Applied for TLD (string)	allfinanzberater

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Allfinanz Deutsche Vermögensberatung Aktiengesellschaft
Application ID	1-903-86203
Applied for TLD (string)	allfinanzberatung

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

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Respondent:

Applicant Name	Allfinanz Deutsche Vermögensberatung Aktiengesellschaft
Application ID	1-903-89627
Applied for TLD (string)	allfinanz

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

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Respondent:

Applicant Name	Deutsche Vermögensberatung Aktiengesellschaft DVAG
Application ID	1-904-3145
Applied for TLD (string)	vermögensberatung

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLDs in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under any of our gTLDs will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

As the applicant for two gTLDs mentioned in the GAC Communiqué:

.VERMÖGENSBERATER and .VERMÖGENSBERATUNG

we are open to include our proposed safeguard and abuse prevention mechanisms as described in our responses to Q28, Q29, and Q30 and 30b (including increased security requirements to be implemented in the registry-registrar agreement, such as pin-based login, monitoring of content on websites, requirements to registrants to act in accordance with local legislations within our industry). We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public Interest Commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

GAC Advice Response Form for Applicants



As we have already in detail described to ICANN our additional safeguards as part of the responses to the Application, including

- an extensive IT Risk Assessment Plan,
- manual verification processes of users,
- use restrictions and consequences, if the use of the domains are not in compliance with our policies

we do not wish to describe these mechanisms in details in this context, as we understand that this response will be made publically available.

In general we support that additional safeguards are implemented for "sensitive" strings in a manner balancing the achieved security effects with the nature of the domain name industry (registry, registrar, registrants) in such a way that an increased level of security can be achieved without placing an undue burden on registry operators, registrars, and registrants to a degree that they may find these specific new gTLDs unattractive, and instead turn to other less safe TLDs. It is our opinion that this would be a shame and be counterproductive to the stated goals of the new gTLD program. Should the ICANN board or the GAC for that matter have a need for additional details on our enhanced safeguards, we are willing to share that with the GAC/ICANN Board. However, we hope that we do not have to disclose these safeguards to the public, as they are of course confidential by nature.

Thank you very much for this opportunity to highlight our view on how to operate sensitive strings.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Deutsche Vermögensberatung Aktiengesellschaft DVAG
Application ID	1-904-3406
Applied for TLD (string)	pohl

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

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GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Deutsche Vermögensberatung Aktiengesellschaft DVAG
Application ID	1-904-60726
Applied for TLD (string)	vermögensberater

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

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We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLDs in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under any of our gTLDs will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

As the applicant for two gTLDs mentioned in the GAC Communiqué:

.VERMÖGENSBERATER and .VERMÖGENSBERATUNG

we are open to include our proposed safeguard and abuse prevention mechanisms as described in our responses to Q28, Q29, and Q30 and 30b (including increased security requirements to be implemented in the registry-registrar agreement, such as pin-based login, monitoring of content on websites, requirements to registrants to act in accordance with local legislations within our industry). We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public Interest Commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

GAC Advice Response Form for Applicants



As we have already in detail described to ICANN our additional safeguards as part of the responses to the Application, including

- an extensive IT Risk Assessment Plan,
- manual verification processes of users,
- use restrictions and consequences, if the use of the domains are not in compliance with our policies

we do not wish to describe these mechanisms in details in this context, as we understand that this response will be made publically available.

In general we support that additional safeguards are implemented for "sensitive" strings in a manner balancing the achieved security effects with the nature of the domain name industry (registry, registrar, registrants) in such a way that an increased level of security can be achieved without placing an undue burden on registry operators, registrars, and registrants to a degree that they may find these specific new gTLDs unattractive, and instead turn to other less safe TLDs. It is our opinion that this would be a shame and be counterproductive to the stated goals of the new gTLD program. Should the ICANN board or the GAC for that matter have a need for additional details on our enhanced safeguards, we are willing to share that with the GAC/ICANN Board. However, we hope that we do not have to disclose these safeguards to the public, as they are of course confidential by nature.

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GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Deutsche Vermögensberatung Aktiengesellschaft DVAG
Application ID	1-904-62612
Applied for TLD (string)	dvag

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DotRealEstate LLC
Applicant ID	1-907-1363
Applied for TLD (string)	.REALESTATE

Response:

The National Association of REALTORS® (NAR) has engaged DotRealEstate LLC to apply for, obtain and operate the .REALESTATE gTLD under direction from NAR.

Founded in 1908 with the specific focus to serve the interests of real estate practitioners, NAR is a globally recognized industry self-regulatory organization for REALTORS® including administration of a strict Code of Ethics and Professional Standards which has served to mitigate risks to the public for 100 years. In this role, NAR believes and conducts its actions in ways to promote trust. The REALTOR® designation, invented by NAR, is the way a person can be credentialed in the offline world for the purpose of conducting transactions related to real estate under a Code of Ethics and generally accepted industry rules and guidelines.

An objective we have is to bring industry accepted practices from the offline world to the online world by way of the .REALESTATE gTLD. For example, NAR stands in perfect position with the expertise to incorporate such credentialing into the process of domain name registration for .REALESTATE. As the applicant for .REALESTATE, it is therefore consistent that we are supportive of the GAC Advice in principle.

While .REALESTATE was not named under Section IV or Annex I of the GAC Advice, for strings specifically cited under Category 1 we support advice relative to: an acceptable use policy that registrants comply with all applicable laws; to require registrars at the time of registration to notify registrants of the acceptable use policy; to implement reasonable and appropriate security measures; to mitigate as much as possible the risks of fraudulent and other illegal activities; and to provide a single point of contact for various types of complaints.

GAC Advice Response Form for Applicants



Further, for .REALESTATE, we think it is prudent for the registry operator to verify registrant credentials at the time of registration such as we've described doing in response to Question 18; to consult with an authority in case of doubt with regard to the authenticity of such credentials; and to conduct periodic checks post-registration to ensure registrant validity and compliance consistent with such credentialing requirements.

We agree with GAC advice with regards to Restrictive and Exclusive access. Lastly, we support safeguards for WHOIS verification checks; mitigating abusive activity; security checks, documentation, making and handling complaints, and consequences as advised by the GAC should apply to all new gTLD's.

In providing its advice for new gTLD's, we believe the GAC has acted consistent to its role as defined in the ICANN by-laws. We also believe the substance of the GAC Advice to be reasonably within our expectations as provided for in Section 3.1 of the Applicant Guidebook.

DotRealEstate LLC stands ready to work with ICANN to implement these goals from the GAC Advice into the registry operations of .REALESTATE in ways which will serve the public interest. ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	dotHot LLC
Applicant ID	1-907-22514
Applied for TLD (string)	.HOT

Response:

On behalf of dotHot LLC, the new gTLD applicant for .HOT (Applicant Number 1-907-22514), we are pleased to provide our response to the GAC advice received by the ICANN Board specific to the “six safeguards that should apply to all new gTLD’s”:

GAC Advice, WHOIS verification and checks: Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate, or incomplete WHOIS data at least twice per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Our Response: We agree in principle.

GAC Advice, Mitigating abusive activity: Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright

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infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree.

GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Our Response: We agree in principle.

GAC Advice, Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree in principle.

GAC Advice, Mitigating and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and

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violations of the requirement that the domain name should not be used in breach of applicable law; these conditions should include suspension of the domain name.

Our Response: We agree.

ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dot Home LLC
Applicant ID	1-907-28623
Applied for TLD (string)	.HOME

Response:

The National Association of REALTORS® (NAR) has engaged Dot Home LLC to apply for, obtain and operate the .HOME gTLD under direction from NAR.

Founded in 1908 with the specific focus to serve the interests of real estate practitioners, NAR is a globally recognized industry self-regulatory organization for REALTORS® including administration of a strict Code of Ethics and Professional Standards which has served to mitigate risks to the public for 100 years. In this role, NAR believes and conducts its actions in ways to promote trust. The REALTOR® designation, invented by NAR, is the way a person can be credentialed in the offline world for the purpose of conducting transactions related to real estate under a Code of Ethics and generally accepted industry rules and guidelines.

An objective we have is to bring industry accepted practices from the offline world to the online world by way of the .HOME gTLD. For example, NAR stands in perfect position with the expertise to incorporate such credentialing into the process of domain name registration for .HOME. As the applicant for .HOME, it is therefore consistent that we are supportive of the GAC Advice in principle.

While .HOME was not named under Section IV or Annex I of the GAC Advice, for strings specifically cited under Category 1 we support advice relative to: an acceptable use policy that registrants comply with all applicable laws; to require registrars at the time of registration to notify registrants of the acceptable use policy; to implement reasonable and appropriate security measures; to mitigate as much as possible the risks of fraudulent and other illegal activities; and to provide a single point of contact for various types of complaints.

GAC Advice Response Form for Applicants



Further, for .HOME, we think it is prudent for the registry operator to verify registrant credentials at the time of registration such as we've described doing in response to Question 18; to consult with an authority in case of doubt with regard to the authenticity of such credentials; and to conduct periodic checks post-registration to ensure registrant validity and compliance consistent with such credentialing requirements.

We agree with GAC advice with regards to Restrictive and Exclusive access. Lastly, we support safeguards for WHOIS verification checks; mitigating abusive activity; security checks, documentation, making and handling complaints, and consequences as advised by the GAC should apply to all new gTLD's.

In providing its advice for new gTLD's, we believe the GAC has acted consistent to its role as defined in the ICANN by-laws. We also believe the substance of the GAC Advice to be reasonably within our expectations as provided for in Section 3.1 of the Applicant Guidebook.

Dot Home LLC stands ready to work with ICANN to implement these goals from the GAC Advice into the registry operations of .HOME in ways which will serve the public interest. ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

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Respondent:

Applicant Name	Medistry LLC
Applicant ID	1-907-38758
Applied for TLD (string)	.MED

Response:

GAC Communiqué –Beijing, People’s Republic of China

- Under Annex 1, Category 1, the GAC advises 5 safeguards to apply to particular categories of new gTLD’s.
- The GAC labels “Health and Fitness” as one such category.
- The GAC has named the string .MED within the Health and Fitness category.

On behalf of Medistry LLC, the new gTLD applicant for .MED (Applicant Number 1-907-38758), we are pleased to provide our response to the GAC advice received by the ICANN Board. Please find below the advice excerpts from the GAC with our response immediately following:

GAC Advice: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

Our Response: We agree with this GAC advice in principle. The Cleveland Clinic (“Cleveland Clinic”), founded in 1921 and headquartered in Cleveland Ohio, today is a \$6 billion international medical center with 2,000+ doctors, offering world-

GAC Advice Response Form for Applicants



class hospital and outpatient care in virtually every medical specialty. Ranked each year as one of the top four hospital systems in the United States, the Cleveland Clinic is recognized for its achievements in demonstrating unusually high expertise across multiple medical and healthcare related specialties.

The Cleveland Clinic is consistently ranked by the *US News and World Report* annual report of “Best Hospitals” in numerous areas of medical specialty, including rankings of number 1 in Cardiology and Heart Surgery; number 2 in Nephrology; number 2 in Urology; number 2 in Gastroenterology; number 3 in Rheumatology; number 3 in Pulmonology; number 4 in Orthopedics; number 4 in Cardiology; number 5 in Diabetes and Endocrinology; number 6 in Neurology and Neurosurgery; number 7 in Geriatrics; number 7 in Pediatrics: Neurology and Neurosurgery; and number 9 in Cancer.

The mission of the Cleveland Clinic, a nonprofit multispecialty academic medical center, is to integrate clinical and hospital care with research and education. This mission scales worldwide in its application. Under the stewardship of the Cleveland Clinic, the .MED gTLD will aim to serve as a source identifier that accomplishes integrating clinical and hospital care with research and education in a digital world, providing a global trusted name space wherein users can come to find trusted sources for medical information. As we state in response to Question 18: “People have come to trust the care, research and education provided by the Cleveland Clinic.”

The mission/purpose of .MED is to perform as a new gTLD consistently with the standards of applicable laws, to which Cleveland Clinic’s scalable mission also subscribes. The Cleveland Clinic firmly believes that establishment of a .MED top-level domain, imbued with the principles established by the Cleveland Clinic, will promote competition, consumer trust and consumer choice within the global structure of applicable law.

GAC Advice: Registry acceptable use policy must require 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.

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Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws.

GAC Advice: Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.

Our Response: We agree. Registrars accredited in .MED will be required in the registry/registrar agreement to notify registrants of the .MED acceptable use policy at the time of registration, which may be modified from time to time such as in the event of any changes to applicable laws.

GAC Advice: Registry Operators will require 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 and recognized industry standards.

Our Response: We agree. All registrants of .MED domain names who collect and maintain sensitive health and/or financial data will be required to implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.

GAC Advice: Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Our Response: We agree. Developing a strategy for .MED to mitigate as much as possible the risks of fraudulent and other illegal activities is consistent with the purpose of compliance with applicable law. To this end, as an established and world re-known medical institution, the Cleveland Clinic has established working relationships with numerous relevant governmental and industry regulatory bodies.

GAC Advice: Registrants must be required by the registry operator to provide a single point-of-contact for the notification of complaints or reports of

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registration abuse as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

Our Response: We agree. As provided for in our response to Question 28: “If you believe that a .MED domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint.”

GAC Advice: At the time of registration the registry operator must verify and validate the registrants’ authorizations, charters, licenses and/or other credentials for participation.

Our Response: We agree. As stated in response to Question 18, “Towards fulfilling this mission/purpose, domain registrations in .MED will not be real-time, but instead will be allocated by Requests for Proposals (RFPs) only. RFP applicants will at minimum be required to set forth their qualifications to integrate clinical and hospital care with research and education...” This approach to registration in .MED is consistent with the advice “to verify and validate the registrants’ authorizations, charters, licenses and/or other credentials for participation” at the time of registration.

GAC Advice: In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.

Our Response: We agree. In the case of doubt with regard to authenticity of licenses or credentials, Medistry (registry operator) should consult with relevant national supervisory authorities, or other equivalents. Working closely with the Cleveland Clinic provides Medistry with a credible resource to seek such consultation.

GAC Advice: Registry operator must conduct periodic, post-registration checks with the above requirements 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.

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Our Response: We agree in principle. Medistry (registry operator) will conduct periodic, post-registration checks of any applicable licensing requirements originally permitting registration and that those permitted registration are generally conducting their activities in the interests of the consumers they serve while continuing to conform to appropriate applicable regulations.

GAC Advice, Restricted Access: As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under Category 1. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

Our Response: We agree. As we state in response to Question 18: “It is Medistry’s intent to operate .MED as a restricted gTLD, at least as compared to open, unrestricted TLD’s such as .com and .net, consistent with its stated mission/purpose and employing the registration and use restrictions set forth herein and as promulgated by the Cleveland Clinic from time to time. The restricted nature of the gTLD, along with allocation via RFP, will help eliminate or minimize social costs, as registrants will be limited to individuals or entities which have been vetted by the Cleveland Clinic.” Further, the .MED gTLD implicates Cleveland Clinic’s internationally renowned reputation, further minimizing or eliminating social costs as compared to users/operators of unrestricted gTLD’s, which have no such reputations to protect.

Consistent with this advice by the GAC for restricted access for strings cited under Category 1, all domains in the .MED gTLD will be allocated by RFP at the sole discretion of the Cleveland Clinic pursuant to the mission/purpose of the gTLD. Consistent with this advice, we agree access to .MED should be administered in a transparent way, as we’ve described, that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

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GAC Advice, Exclusive Access: For strings representing generic terms, exclusive registry access should serve a public interest goal.

Our Response: We agree. The Cleveland Clinic is unquestionably recognized and associated with trust and professionalism in the provision of care, research and education in the medical field. Extending this trust and professionalism to the operation and registration policies of the .MED gTLD, as captured by the mission of the Cleveland Clinic and stated purpose of the .MED gTLD, is for serving a public interest goal.

The GAC's Six safeguards for all new gTLDs:

GAC Advice, WHOIS verification and checks: Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate, or incomplete WHOIS data at least twice per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

Our Response: We agree in principle.

GAC Advice, Mitigating abusive activity: Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. As stated in response to Question 28: "Abuse" or "abusive use" of a .MED domain name also includes violation or breach of any policies or rules regarding registration and/or use of .MED domains as set forth by the Cleveland Clinic.

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GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Our Response: We agree. Additionally, we note numerous products and services are being introduced to the market place to help fulfill this need such as NameSentry (<http://architelos.com/services/namesentry/>). We confirm the registry will suspend .MED domain names found to perpetrate security threats if registrars won't.

GAC Advice, Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree in principle.

GAC Advice, Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. As we state in response to Question 28: "If you believe that a .MED domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint." A similar complaint mechanism can be established for making complaints to the registry operator about inaccurate WHOIS information

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and/or domains being used for malicious activity or perpetuating security risks as the case may be.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these conditions should include suspension of the domain name.

Our Response: We agree. Providing false information and/or using a .MED domain name in breach of applicable law would result at minimum in the suspension of the domain name as this would violate any number of areas with regards to .MED registration policies, the mission of the Cleveland Clinic, and/or the purpose of the .MED gTLD. The practice of filtering all registrations in .MED by a Request for Proposal (RFP) process serves as a natural safeguard to false and/or illegal activity occurring in .MED.

ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

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The Government Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Real Estate Domains LLC
Applicant ID	1-907-41079
Applied for TLD (string)	.REALTOR

Response:

GAC Communiqué –Beijing, People’s Republic of China

- Under Annex 1, Category 1, the GAC advises 5 safeguards to apply to particular categories of new gTLD’s.
- The GAC labels “Professional Services” as one such category.
- The GAC has named the string .REALTOR within the Professional Services category.

On behalf of Real Estate Domains LLC, the new gTLD applicant for .REALTOR (Applicant Number 1-907-41079), we are pleased to provide our response to the GAC advice received by the ICANN Board. Please find below the advice excerpts from the GAC with our response immediately following:

GAC Advice: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

Our Response: We agree with this GAC advice in principle. Founded in 1908, The National Association of REALTORS® (NAR), The Voice for Real Estate®, is the

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world's largest professional association, representing greater than one million members belonging to approximately 1,400 state and local associations/boards. An acknowledged leader in the real estate field NAR has worked to develop standards for efficient, effective, and ethical real estate business practices since well before there were any state/provincial or national regulatory authorities. The term REALTOR® implies a level of trust due to efforts led by NAR representing the collective interests of the public and of each of its REALTOR® members.

The term "REALTOR®", invented by NAR, is a registered collective membership mark of the National Association of REALTORS® that identifies a real estate professional who is a member of the NAR and pledges to abide by its strict Code of Ethics. The term REALTOR® is registered as a collective membership mark by NAR with the United States Patent and Trademark Office. As NAR has stepped up on the world stage both directly and through relationships with other national organizations of real estate professionals, NAR has also registered REALTOR for that or other services in the trademark offices of an additional 45 nations and the European Community.

GAC Advice: Registry acceptable use policy must require 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.

Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws.

GAC Advice: Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.

Our Response: We agree. Registrars accredited in .REALTOR will be required in the registry/registrar agreement to notify registrants of the .REALTOR acceptable use policy, as those policies may evolve over time, at the time of registration.

GAC Advice: Registry Operators will require registrants who collect and maintain sensitive health and financial data implement reasonable and

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appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.

Our Response: We agree in principle. All registrants of .REALTOR domain names who collect and maintain sensitive financial data will be required to implement reasonable and appropriate security measures commensurate with the risk associated with the offering of those services, as defined by law and/or recognized industry standards, as applicable.

GAC Advice: Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Our Response: We agree. NAR is a globally recognized industry self-regulatory organization for REALTORS® including administration of a strict Code of Ethics and Professional Standards which has served to mitigate risks to the public for 100 years. NAR's scope includes working relationships with governmental or non-governmental bodies in numerous countries throughout the world.

GAC Advice: Registrants must be required by the registry operator to provide a single point-of-contact 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.

Our Response: We agree. As provided for in our response to Question 28: "If you believe that a .REALTOR domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint."

GAC Advice: "In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in

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multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors”.

Our response: We agree. For example, one of the criteria commonly applied in determining eligibility for REALTOR® membership in NAR is that the applicant have a current, valid license or certification from the relevant government authority. This approach preserves the integrity of the profession by mirroring as a part of the qualification prerequisites to be a REALTOR®, the business entry requirements put in place by the applicable governmental regulatory body. If not in fact, then at least in effect the offline requirements of the governmental regulatory body are incorporated into the registration process of .REALTOR domain names.

GAC Advice: At the time of registration the registry operator must verify and validate the registrants’ authorizations, charters, licenses and/or other credentials for participation.

Our Response: We agree. At time of registration registry operator will verify with NAR that the domain name registrant is a member of NAR or licensed to use the term REALTOR®. As stated in response to Question 18: ““only NAR, REALTORS®, NAR members, NAR affiliates (including affiliated institutes, societies and councils), NAR licensees and parties otherwise in a contractual relationship with NAR relating to use of the REALTOR® mark will be permitted registration in .REALTOR.” Such status will be verified at time of registration.

GAC Advice: In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.

Our Response: We agree. Registry operator will consult with NAR in case of doubt with regard to authenticity of any licensing credentials.

GAC Advice: Registry operator must conduct periodic, post-registration checks with the above requirements 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.

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Our Response: We agree. Registry operator will conduct periodic, post-registration checks against the criteria originally permitting registration. As stated in response to Question 18: “To the extent a registrant/REALTOR® lapses in membership as a REALTOR®, or a registrant/NAR member ceases to be an NAR member, or a registrant/NAR affiliate ceases to be an NAR affiliate, or a registrant/NAR licensee ceases to be an NAR licensee, or a registrant/NAR contracted-party ceases to be an NAR contracted party, registration of the affected domain will have to be withdrawn.”

With regards to REALTORS® conducting their activities in the interests of the consumers they serve, the very first Article of the NAR Code of Ethics and Standards of Practice states, “When representing a buyer, seller, landlord, tenant, or other client as an agent, REALTORS® pledge themselves to protect and promote the interests of their client. This obligation to the client is primary, but it does not relieve REALTORS® of their obligation to treat all parties honestly. When serving a buyer, seller, landlord, tenant or other party in a non-agency capacity, REALTORS® remain obligated to treat all parties honestly”.

GAC Advice, Restricted Access: As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under Category 1. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

Our Response: We agree. As an exception to the general rule, and as stated in response to Question 18, “Consistent with NAR’s mission/purpose for the .REALTOR gTLD, NAR will determine, in its sole discretion, who may register domains in .REALTOR, and only NAR, REALTORS®, NAR members, NAR affiliates (including affiliated institutes, societies and councils), NAR licensees and parties otherwise in a contractual relationship with NAR relating to use of the REALTOR® mark will be permitted such registration.” NAR’s knowledge of the real estate business and the ethical and legal conduct of that business makes NAR the most

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suitable entity with both the experience and the expertise to determine the registration restrictions that should be appropriate for the types of risks associated with the .REALTOR TLD.

We further agree the registry operator should administer access to .REALTOR in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage. For example, NAR maintains non-discriminatory standards for membership such that any authorized real estate practitioner willing to commit to the enhanced standards of ethical conduct required of a REALTOR® will be eligible for membership in NAR thus eligible for registration of a .REALTOR domain name.

GAC Advice, Exclusive Access: For strings representing generic terms, exclusive registry access should serve a public interest goal.

Our Response: Our application for .REALTOR, on behalf of the National Association of REALTORS® (NAR), does not represent a generic term. REALTOR® is a registered collective membership mark of NAR that identifies a real estate professional who is a member of the NAR and abides by its strict Code of Ethics. NAR's intellectual property rights for the term REALTOR® are recognized by the USPTO, an additional 45 nations and the European Community. While in this context REALTOR® is not a generic term, extending NAR's longstanding position as the acknowledged leader in developing standards for efficient, effective, and ethical real estate business practices on behalf of REALTORS® to .REALTOR serves a public interest goal.

The GAC's Six safeguards for all new gTLDs:

GAC Advice, WHOIS verification and checks: Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate, or incomplete WHOIS data at least twice per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the

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registrar's obligation to solicit accurate and complete information from the registrant.

Our Response: We agree.

GAC Advice, Mitigating abusive activity: Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. As stated in response to Question 28: "Abuse" or "abusive use" of a .REALTOR domain name by a REALTOR® or any affiliate or other member of the National Association of Realtors (NAR) also includes violation or breach of the membership duties owed by a member and a violation of a material provision of the agreement with NAR relating to use of a domain in .REALTOR.

GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Our Response: We agree. Additionally, we note numerous products and services are being introduced to the market place to help fulfill this need such as NameSentry (<http://architelos.com/services/namesentry/>).

We confirm the registry will suspend .REALTOR domain names found to perpetrate security threats if registrars won't. We note the licensing credentials required to achieve registration in .REALTOR, notably membership status with NAR, will serve as a built-in safeguard to those motivated to gain entry in order to perpetrate security threats.

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GAC Advice, Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree.

GAC Advice, Mitigating and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. As we state in response to Question 28: “If you believe that a .REALTOR domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint.” A similar complaint mechanism can be established for making complaints to the registry operator about inaccurate WHOIS information and/or domains being used for malicious activity or perpetuating security risks as the case may be.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these conditions should include suspension of the domain name.

Our Response: We agree. Providing false information and/or using a .REALTOR domain name in breach of applicable law would produce consequences, such as the suspension of the domain name.

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ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

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The Government Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	dotCareer LLC
Applicant ID	1-907-61259
Applied for TLD (string)	.CAREER

Response:

On behalf of dotCareer LLC, the new gTLD applicant for .CAREER (Applicant Number 1-907-61259), we are pleased to provide our response to the GAC advice received by the ICANN Board specific to the “six safeguards that should apply to all new gTLD’s”:

GAC Advice, WHOIS verification and checks: Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate, or incomplete WHOIS data at least twice per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Our Response: We agree in principle.

GAC Advice, Mitigating abusive activity: Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright

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infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree.

GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Our Response: We agree in principle.

GAC Advice, Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree in principle.

GAC Advice, Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and

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violations of the requirement that the domain name should not be used in breach of applicable law; these conditions should include suspension of the domain name.

Our Response: We agree.

ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

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The Government Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing 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	Dot Beauty LLC
Applicant ID	1-907-62211
Applied for TLD (string)	.CASINO

Response:

GAC Communiqué –Beijing, People’s Republic of China

- Under Annex 1, Category 1, the GAC advises 5 safeguards to apply to particular categories of new gTLD’s.
- The GAC labels “Gambling” as one such category.
- The GAC has named the string .CASINO within the Gambling category.

On behalf of Dot Beauty LLC, the new gTLD applicant for .CASINO (Applicant Number 1-907-62211), we are pleased to provide our response to the GAC advice received by the ICANN Board. Please find below the advice excerpts from the GAC with our response immediately following:

GAC Advice: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

Our Response: We agree with this GAC advice in principle. The gaming industry is regulated. Applicable jurisdictional laws exist specific to casino operations and gaming. There is a level of implied trust from consumers when a government

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licensing environment is involved. Governments create Gaming Control Boards for the very reason of higher levels of risk associated with consumer harm.

We interpret this GAC advice to mean “casino” is not merely a generic term at the top level of the DNS hierarchy. Registration of a domain name at the second level in combination with .CASINO at the top level is what creates and sets forth a specific identity of the registrant to the public at large. Such an identity, when used in the context of gambling, has the effect of “casino” not being a generic term, but one a consumer presumes exists upon condition. Conditions are what imply a level of trust. Consistent with applicable laws, a business entity is not permitted to portray an identity to the public as a casino for gaming and wagering absent conditions placed upon it by a governmental licensing authority, such as a Gaming Commission.

The fact such conditions exist for casino operators is widely understood by the public at large and by the millions of consumers of casino products and services throughout the world. Such knowledge is what sets expectations for the implied level of trust consumers have in gaming operations today. Those that wish to benefit by being identified as a gaming operator accept these conditions. Domain name registrations in .CASINO produce such an identity. Consumers will naturally assume an identity in .CASINO means the entity posturing itself as a gaming operator has obtained proper governmental licensing credentials to offer gaming products and services. This assumption should be valid at all times.

In applying to ICANN for .CASINO, the Registry Operator faces the choice of either educating the global public at large that no such conditions exist for the registration of a .CASINO domain name (buyer beware) or taking on the responsibility of installing conditions into the registration process which serve to preserve consumer expectations and implied trust. A Registry Operator proposing to do neither for .CASINO is one that is willing to allow erosion of the public trust in the new gTLD program and the DNS in general which, in the case of .CASINO, increases the likelihood of consumer harm as a result. We believe this rationale captures the essence for the GAC specifically citing .CASINO with its Beijing advice to the ICANN Board, and we agree.

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As stated in our application to operate .CASINO and reinforced in our PIC specifications, all registrants of a .CASINO domain name MUST show “evidence, such as from a Gaming Commission, Gaming Control Board, or similarly-situated regulator, prior to registration, that the registrant is a governmentally licensed gaming operator in good standing”. This is coupled with a separate PIC specification which states “Real-time registration of .CASINO domain names will not be permitted”. Communications we have had with representatives of the GAC, such as in response to the Early Warning, has indicated this approach to registry operations of .CASINO allay their concerns.

GAC Advice: Registry acceptable use policy must require 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.

Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws. Additionally, we note that governmental licensing requirements for gaming naturally require compliance with all applicable laws, as provided for in this advice, generally including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct). Further, as we state in response to Question 28: One of those public interest functions for a responsible domain name registry includes working towards the eradication of abusive domain name registrations, including, but not limited to, those resulting from:

- * illegal or fraudulent actions
- * spam
- * phishing
- * pharming
- * distribution of malware
- * fast flux hosting
- * botnets
- * distribution of child pornography
- * online sale or distribution of illegal pharmaceuticals"

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GAC Advice: Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.

Our Response: We agree. Registrars accredited in .CASINO will be required in the registry/registrar agreement to notify registrants of the .CASINO acceptable use policy at the time of registration.

GAC Advice: Registry Operators will require 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 and recognized industry standards.

Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws, as stated above, and all applicable recognized industry standards. Further, all registrants of .CASINO domain names must be a governmentally-licensed gaming operator in good standing thereby inherently responsible to implement reasonable and appropriate security measures commensurate with the offering of those services to the public as such governmental licensing status may require.

GAC Advice: Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Our Response: We agree. The inherent nature of how we have proposed to operate .CASINO is a strategy that will produce working relationships with the appropriate regulatory body, such as the applicable Gaming Commission or Gaming Control Board, since such licensing is required as evidence from the registrant prior to registration.

GAC Advice: Registrants must be required by the registry operator to provide a single point-of-contact 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.

Our Response: We agree.

GAC Advice: “In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors”.

Our response: As we state above, in order to establish an identity in .CASINO a government approved gaming license is an entry requirement to registration in .CASINO. This condition mirrors the practice shared by governments throughout the world, therefore in line with arrangements in place offline, that a gaming license is required in order to gain market entry to gaming operations to the public. It is this established practice in the offline world we are incorporating into registry operations of .CASINO. Specifically, our registry policy and contractual obligation, requires all registrants of a .CASINO domain name to provide “evidence of a gaming license from a Gaming Commission, Gaming Control Board, or similarly-situated regulator, prior to registration” in order to gain market entry on the Internet with a .CASINO identity. Operationally speaking, “real time registration of .CASINO domain names will not be permitted” so that evidence of a gaming license can be verified by the registry prior to accepting registration.

While admittedly a highly restrictive approach to registration, perfectly permissible by the rules of the Guidebook, translating established practices from the offline world to the registration process of domain names where possible and practical offers separation and innovation for the Registry Operator. While not specifically cited by the GAC as rationale in its Beijing Communique, the GAC has stated innovation by registry operators is a public interest goal of gTLD expansion to be later evaluated. Where the GAC has cited specific strings for the need of additional safeguards, such as the case for .CASINO, offers the ICANN Board and community the opportunity to consider those applicants that have proposed innovative solutions to potential public policy concerns.

GAC Advice Response Form for Applicants



GAC Advice: At the time of registration the registry operator must verify and validate the registrants' authorizations, charters, licenses and/or other credentials for participation.

Our Response: We agree. As provided for in our PIC Specification 3: "Evidence, such as from a Gaming Commission, Gaming Control Board or similarly-situated regulator, prior to registration, that the registrant is a governmentally-licensed gaming operator in good standing, will be required for all registrations." Registry operators which rely upon registrant self-certification at the time of registration, and/or post-verification of proper registrant authorizations, are not consistent with this GAC advice for .CASINO.

GAC Advice: In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.

Our Response: We agree. Operationally, the very purpose of not allowing real-time registration in .CASINO is to investigate, particularly in the case of doubt, the authenticity of a gaming license. We would, as the registry operator, naturally consult with the appropriate Gaming Commission or Gaming Control Board as the case may be, for the purpose of validating credentials in order to remove any doubt prior to permitting registration.

GAC Advice: Registry operator must conduct periodic, post-registration checks with the above requirements 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.

Our Response: We agree. Periodic, post-registration checks of good standing with the appropriate governmental gaming authority (i.e. licensing issuing body) must be conducted. Our approach is that a gaming license in good standing means the designated governmental authority finds the licensed operator (and .CASINO registrant) conducting its activities in the interests of the consumers for which such licensing rights and privileges permit. This serves as a natural safeguard and a fundamental reason why we believe verifying evidence of licensing credentials is critical specific to the .CASINO gTLD as we have proposed.

GAC Advice, Restricted Access: As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under Category 1. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

Our Response: We agree. The GAC has named the string .CASINO under Category 1, thus applicable to this advice. We interpret “restricted access” to mean restricted access to registration (different than a self-certification and/or post-verification model i.e. after the registry has allowed the registration). Our application for .CASINO provides for registration restrictions, prior to registration, appropriate for the types of risks associated as a condition of registration. This is to say the intent of our registration restrictions for .CASINO capture, by design, the intent of this GAC advice.

As the Registry Operator for .CASINO, we confirm our intent to administer access in .CASINO “in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.” For example, the condition of providing evidence of a gaming license from a governmental authority in order to gain entry (registration) in .CASINO is a transparent way that does not give undue preference except to those able to meet this standard (thus the exception).

GAC Advice, Exclusive Access: For strings representing generic terms, exclusive registry access should serve a public interest goal.

Our Response: We agree while also noting that our application for .CASINO does not propose exclusive registry access (but does propose restricted access as explained above). Registration in .CASINO, later used to promote gaming activities, signals to consumers licensing conditions have been met. This causes an identity in .CASINO to be descriptive.

GAC Advice Response Form for Applicants



The GAC's Six safeguards for all new gTLDs:

GAC Advice, WHOIS verification and checks: Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate, or incomplete WHOIS data at least twice per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

Our Response: We agree.

GAC Advice, Mitigating abusive activity: Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. We also note that abusive behavior will be naturally mitigated by the requirement that all .CASINO registrants must provide evidence of being a governmentally-licensed gaming operator in good standing. All registrants in .CASINO will share the motivation of not wanting to place their governmental gaming license at risk by improper behavior in .CASINO. This is a built-in safeguard for mitigating abusive behavior in .CASINO further minimizing or eliminating social costs as compared to operators proposing unrestricted access.

GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

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Our Response: We agree. As we state in response to Question 30: “Regular security audits by an accredited independent third party are commissioned to formally test & evaluate vulnerabilities & controls within the operations environment. Biannual internal security reviews are performed. The reviews emulate the evaluation performed in a security audit, but also provide detailed reviews of processes, procedures, & systems performance metrics.”

We confirm the registry will suspend .CASINO domain names found to perpetrate security threats if registrars won’t. We note the licensing credentials required to achieve registration in .CASINO will serve as a built-in safeguard to those motivated to gain entry in order to perpetrate security threats.

GAC Advice, Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree. We note from our response to 26: We will offer searchability on the web-based Directory Service. We will offer partial match capabilities on the following fields: domain name, contacts and registrant’s name, and contact and registrant’s full postal address. We will offer exact match capabilities on the following fields: registrar ID, nameserver name, and nameserver’s IP address for in-zone hosts (glue records). Compiling statistical reports of this data for purposes of measuring accuracy can be maintained and provided to ICANN upon request.

Similarly, in response to Question 30, Security: The documentation that results from internal reviews & external [security] audits are securely archived, & these records can be made available for third parties with management approval.

GAC Advice, Mitigating and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing,

GAC Advice Response Form for Applicants



piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. We state in PIC Specification #5: “Registry Operator will provide a single point of contact responsible for addressing reports of registration abuse and to constructively work with law enforcement to address reported cases of registration abuse”. Such a complaint mechanism can be created specifically for inaccurate WHOIS information in a manner consistent with this GAC Advice.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these conditions should include suspension of the domain name.

Our Response: We agree. Providing false information and/or using a .CASINO domain name in breach of applicable law would result at minimum the suspension of the domain name. We note the verification procedures as we have proposed along with the requirement of evidence of being a gaming operator in good standing by license from a governmental authority serve as natural safeguards to false and/or illegal activity occurring in .CASINO.

All responses provided above may be used by ICANN in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

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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, Annex I, and Annex II of the GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DERHomes, LLC
Application ID	1-909-196
Applied for TLD (string)	.homes

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .homes gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .homes gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only Dominion online properties and/or current Dominion business partners. By initially dealing only with Dominion businesses and business partners, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .homes domain names. Dominion anticipates subsequently evaluating creation of a validation process to allow non-Dominion business and business partners to register domain names in the .homes gTLD for potential use to display appropriate, safe, and industry specific sites. The staged and cautious rollout of .homes second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,

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- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .homes gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué recommends that in cases where a restricted registration policy is implemented "the registration restrictions should be appropriate for the types of risks associated with the gTLD." We are hopeful that the above clarifies the registration policies that Dominion will implement for the .homes gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .homes application.

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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, Annex I, and Annex II of the GAC Beijing Communique 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	DERRent, LLC
Application ID	1-909-9048
Applied for TLD (string)	.rent

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .rent gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .rent gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only Dominion online properties and/or current Dominion business partners. By initially dealing only with Dominion businesses and business partners, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .rent domain names. Dominion anticipates subsequently evaluating creation of a validation process to allow non-Dominion business and business partners to register domain names in the .rent gTLD for potential use to display appropriate, safe, and industry specific sites. The staged and cautious rollout of .rent second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,

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- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .rent gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué recommends that in cases where a restricted registration policy is implemented "the registration restrictions should be appropriate for the types of risks associated with the gTLD." We are hopeful that the above clarifies the registration policies that Dominion will implement for the .rent gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .rent application.

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Respondent:

Applicant Name	DERApartments, LLC
Application ID	1-909-9646
Applied for TLD (string)	.apartments

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .apartments gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .apartments gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only Dominion online properties and/or current Dominion business partners. By initially dealing only with Dominion businesses and business partners, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .apartments domain names. Dominion anticipates subsequently evaluating creation of a validation process to allow non-Dominion business and business partners to register domain names in the .apartments gTLD for potential use to display appropriate, safe, and industry specific sites. The staged and cautious rollout of .apartments second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,

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- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .apartments gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué recommends that in cases where a restricted registration policy is implemented "the registration restrictions should be appropriate for the types of risks associated with the gTLD." We are hopeful that the above clarifies the registration policies that Dominion will implement for the .apartments gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .apartments application.

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Respondent:

Applicant Name	DERForsale, LLC
Application ID	1-909-18178
Applied for TLD (string)	.forsale

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .forsale gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .forsale gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only Dominion online properties and/or current Dominion business partners. By initially dealing only with Dominion businesses and business partners, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .forsale domain names. Dominion anticipates subsequently evaluating creation of a validation process to allow non-Dominion business and business partners to register domain names in the .forsale gTLD for potential use to display appropriate, safe, and industry specific sites. The staged and cautious rollout of .forsale second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,

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- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .forsale gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué recommends that in cases where a restricted registration policy is implemented "the registration restrictions should be appropriate for the types of risks associated with the gTLD." We are hopeful that the above clarifies the registration policies that Dominion will implement for the .forsale gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .forsale application.

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, Annex I, and Annex II of the GAC Beijing Communique 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	DERCars, LLC
Application ID	1-909-45636
Applied for TLD (string)	.cars

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .cars gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .cars gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only those members of the car dealer community with whom Dominion has a business relationship. By initially dealing only with dealers who are known to be bona fide car dealers, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .cars domain names. Dominion anticipates next offering .cars domain names to all car dealers based on objective registration standards, such as state licensure, to ensure that bad actors are not awarded .cars domain names. The next and subsequent stages for release of .cars domain names will involve methodically adding additional categories of industry players based upon objective registration qualification standards intended to maintain the quality of all .cars sites that will be encountered by consumers on the Internet.

The staged and cautious rollout of .cars second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

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- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .cars gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué identifies Dominion's .cars application as an application seeking exclusive registry access. We are hopeful that the above clarifies the registration policies that Dominion will implement for the .cars gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .cars application.

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, Annex I, and Annex II of the GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DERMotorcycles, LLC
Application ID	1-909-56431
Applied for TLD (string)	.motorcycles

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .motorcycles gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .motorcycles gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only those members of the motorcycle dealer community with whom Dominion has a business relationship. By initially dealing only with dealers who are known to be bona fide motorcycle dealers, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .motorcycles domain names. Dominion anticipates next offering .motorcycles domain names to all motorcycle dealers based on objective registration standards, such as state licensure, to ensure that bad actors are not awarded .motorcycles domain names. The next and subsequent stages for release of .motorcycles domain names will involve methodically adding additional categories of industry players based upon objective registration qualification standards intended to maintain the quality of all .motorcycles sites that will be encountered by consumers on the Internet.

The staged and cautious rollout of .motorcycles second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching

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dedication to our customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .motorcycles gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué identifies Dominion's .motorcycles application as an application seeking exclusive registry access. We are hopeful that the above clarifies the registration policies that Dominion will implement for the .motorcycles gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .motorcycles application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DERBoats, LLC
Application ID	1-909-78528
Applied for TLD (string)	.boats

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .boats gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .boats gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only those members of the marine property dealer community with whom Dominion has a business relationship. By initially dealing only with dealers who are known to be bona fide marine property dealers, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .boats domain names. Dominion anticipates next offering .boats domain names to all marine property dealers based on objective registration standards, such as state licensure, to ensure that bad actors are not awarded .boats domain names. The next and subsequent stages for release of .boats domain names will involve methodically adding additional categories of industry players based upon objective registration qualification standards intended to maintain the quality of all .boats sites that will be encountered by consumers on the Internet.

The staged and cautious rollout of .boats second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our

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customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion’s proposed operation of the .boats gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee’s Beijing Communiqué recommends that in cases where a restricted registration policy is implemented “the registration restrictions should be appropriate for the types of risks associated with the gTLD.” We are hopeful that the above clarifies the registration policies that Dominion will implement for the .boats gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion’s .boats application.

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Respondent:

Applicant Name	DERYachts, LLC
Application ID	1-909-89547
Applied for TLD (string)	.yachts

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .yachts gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .yachts gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only those members of the marine property dealer community with whom Dominion has a business relationship. By initially dealing only with dealers who are known to be bona fide marine property dealers, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .yachts domain names. Dominion anticipates next offering .yachts domain names to all marine property dealers based on objective registration standards, such as state licensure, to ensure that bad actors are not awarded .yachts domain names. The next and subsequent stages for release of .yachts domain names will involve methodically adding additional categories of industry players based upon objective registration qualification standards intended to maintain the quality of all .yachts sites that will be encountered by consumers on the Internet.

The staged and cautious rollout of .yachts second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our

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customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .yachts gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué identifies Dominion's .yachts application as an application seeking exclusive registry access. We are hopeful that the above clarifies the registration policies that Dominion will implement for the .yachts gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .yachts application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DERAutos, LLC
Application ID	1-909-92065
Applied for TLD (string)	.autos

Response:

Dominion Enterprises takes this opportunity to affirm to the ICANN Board our commitment to operating the .autos gTLD in a manner that serves both the public and Dominion’s interests—consistent with our longstanding history of corporate responsibility.

Dominion is a leading marketing services company serving the wide-ranging needs of many industries including real estate, apartments, specialty vehicles, employment, automotive and travel. Through its technology, web solutions, and tools, spanning website design and hosting, data management and distribution, lead generation, search engine optimization, digital marketing and advertising, consumer relationship management, ecommerce, and email marketing, Dominion has become an industry leader in bringing critical services to customers in a safe and trusted online environment.

The .autos gTLD will be launched by Dominion in a staged fashion with second level domains being offered initially to only those members of the automotive dealer community with whom Dominion has a business relationship. By initially dealing only with dealers who are known to be bona fide automotive dealers, Dominion expects to be able to absolutely establish a clean and reliable environment for use of .autos domain names. Dominion anticipates next offering .autos domain names to all automotive dealers based on objective registration standards, such as state licensure, to ensure that bad actors are not awarded .autos domain names. The next and subsequent stages for release of .autos domain names will involve methodically adding additional categories of industry players based upon objective registration qualification standards intended to maintain the quality of all .autos sites that will be encountered by consumers on the Internet.

The staged and cautious rollout of .autos second-level domains will ensure that all operations within the gTLD will be conducted in accordance with Dominion’s overarching dedication to our

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customers and our commitment to ethical business practices, as well as adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

Dominion's proposed operation of the .autos gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué recommends that in cases where a restricted registration policy is implemented "the registration restrictions should be appropriate for the types of risks associated with the gTLD." We are hopeful that the above clarifies the registration policies that Dominion will implement for the .autos gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Dominion's .autos application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	FLSmith A/S
Application ID	1-911-22365
Applied for TLD (string)	fls

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	FLSmidth A/S
Application ID	1-911-91166
Applied for TLD (string)	flsmidth

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

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Respondent:

Applicant Name	Big Room Inc.
Application ID	1-912-59314
Applied for TLD (string)	eco

Response:

Dear ICANN,

Big Room Inc. and the Dot Eco Global Community Organization welcome the opportunity to respond to the Advice contained in the 11 April 2013 ICANN Governmental Advisory Committee (GAC) Communiqué.

The specific recognition by the GAC of the importance of “the clear and collective opinion of a community on a gTLD where the community is impacted by that gTLD application” is an important and timely contribution to the new gTLD process given the approaching community-priority evaluations.

The GAC has also recommended that ICANN establish additional safeguards for all new gTLDs; specific safeguards for strings that are linked to regulated or professional sectors; and further targeted safeguards for strings associated with market sectors that have clear and/or regulated entry requirements.

The GAC specifically advised that ICANN ensure that registries of environment-related gTLDs – including .eco – require registrants to agree to compliance with applicable laws, to undertake validation, and to agree to periodic checks that ensure validity of relevant authorisations, charters, licenses and/or other related credentials for participation in the sector. We strongly agree with and support this advice.

Big Room’s community-priority application for .eco is unique amongst all environment-related strings in its recognition of these important consumer protection mechanisms and engagement with the affected community.

This commitment to maximizing community benefit from the .eco domain and minimizing harm is reflected in the .Eco Consensus, a charter for the .eco domain negotiated with leading members of the environmental community.

As evidenced by our approach to date, we firmly believe that the Internet user more likely to be harmed by environment-related gTLD registries that do not require compliance with applicable laws and validation of environmental credentials, than by registries that do.

The “Regeneration Consumer Study ” is an online survey of consumer attitudes, motivations and behaviours around sustainable consumption among 6,224 respondents in six major international markets (Brazil, China, Germany, India, United Kingdom and United States). It was developed by BBMG, GlobeScan and SustainAbility and fielded during September and October 2012.

The study found that “consumers across all six markets look to certification seals or labels on product packaging (40%) as the most trusted source of information about whether a product is environmentally and socially responsible.” This suggests that the average consumer finds external verification of environmental claims helpful.

The study also found that the least trusted source of information was traditional company communications. According to the study, “barely one in ten consumers rely on company advertisements or website content, reinforcing the perception that the most reliable claims often come from sources largely beyond a company’s control.” This suggests that the average consumer finds environmental claims that are not externally verified unhelpful.

This understanding that externally verified environmental claims are helpful while unverified environmental claims are unhelpful is a key basis for many government consumer protection policies on environmental claims.

To explore whether this extends to environment-related gTLDs, in February 2012 Vision Critical, on behalf of Big Room Inc., conducted a survey to understand public expectations of the term eco and of the .eco gTLD in particular. The results suggest that it does, with 58% of respondents indicating they would expect domain names ending in .eco (e.g. www.anyname.eco) to be members of an environmental organization, professional association or have made a specific commitment to the environment.

This is also a key reason why the environmental community has expressed a consensus view that the .eco gTLD should be ‘community-designated’. Indeed, as Big Room Inc.’s .eco application explains:

“The purpose and principles outlined in the .ECO Policy Consensus define what .ECO will mean as an active expression of the goals, values and interests of the Community. All major international membership organizations (e.g. IUCN, WWF, Greenpeace), the largest global business and environment organizations (e.g. World Business Council for Sustainable Development, Green Economy Coalition), the largest international Community alliances (e.g. 350.org, TckTckTck) and the key global environmental reporting standards (e.g. Global Reporting Initiative, Carbon Disclosure Project) support the creation of .ECO as a Community TLD. The United Nations Environment Programme (UNEP) has been an observer to the .ECO community

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process since 2010. These institutions represent over 190 countries, 1,000 entities, and more than 10 million individual members.”

This and other supporting evidence, in combination with community and governmental support, suggests that a safeguard-oriented approach to environment-related gTLDs is appropriate. The question then becomes how to implement it.

First, a mandatory “Additional Safeguards Specification” for affected gTLDs within the Registry Agreement that is based on these principles would be useful.

Second, guidance on how best to harmonise linkages between the PIC Specification, Section 2.19 & Specification 12 (for community-based gTLDs) and any new Additional Safeguards Specification in the Registry Agreement would also be helpful.

Big Room Inc. .Eco Application Compliance with GAC Proposed Safeguards

Big Room Inc., as .eco gTLD applicant on behalf of the environmental community, has translated the .Eco Policy Consensus – an environmental community charter for .eco – into a framework established by ICANN for the governance of community-based gTLDs.

This Consensus is the result of an independently mediated multi-stakeholder process that reflects public policy designed to protect Internet users and is representative of community interests and goals vis-à-vis the .eco gTLD.

Should Big Room Inc. be in a position to act as registry for the .eco gTLD on a community basis, we intend to comply with all recommended GAC safeguards in line with community expectations as explained in the .Eco Consensus.

Indeed, most if not all of these safeguards pre-exist in our responses to questions 18 & 20. We have also affirmed our intention to implement them by submitting a PIC Specification that covers our responses to these responses. We note that we were one of the only new gTLD applicants to take this step.

We look forward to ICANN guidance on how to integrate them into our application and/or registry agreement for the .eco gTLD, or through other mechanisms agreed by the community.

Sincerely,

Jacob Malthouse
Co-founder & Director, Big Room Inc.

Trevor Bowden
Co-founder & Director, Big Room Inc.

Richard McLellan

GAC Advice Response Form for Applicants



Co-chair, Dot Eco Global Community Organization & Director, Footprint, WWF International

Helio Mattar

Co-chair, Dot Eco Global Community Organization & President, Akatu Institute for Conscious Consumption

References:

The Regeneration Consumer Study is an online survey of consumer attitudes, motivations and behaviours around sustainable consumption among 6,224 respondents in six major international markets (Brazil, China, Germany, India, United Kingdom and United States). Fielded in September and October 2012, the study represents a holistic exploration of sustainability market trends, priorities and engagement pathways, including information on sustainable consumption, trust, transparency, social issues, behaviour change, consumer collaboration, participation and advocacy actions. Data across all six international markets reflect a margin of error of +/- 1.3 percent. Specific country-level data reflect a margin of error of +/- 3.1 percent.

The Big Room .eco survey is a random online omnibus survey of 1,016 US adults from diverse ages, incomes, ethnicities and regions, conducted 15-16 February 2012 among a sample of Americans who are also Springboard America panel members. The margin of error, which measures sampling variability, is +/-3.10%, 19 times out of 20. The sample was balanced by age, gender and region according to the most recent American Community Survey (2009).

See Big Room Inc. .eco gTLD application (1-912-59314) public response to question 20 (d) for an indicative list of applicable national and international policy on environmental consumer protection legislation.

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Respondent:

Applicant Name	Fresenius Immobilien-Verwaltungs-GmbH
Application ID	1-916-50890
Applied for TLD (string)	fresenius

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

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Respondent:

Applicant Name	PRIMER NIVEL S.A.
Application ID	1-917-1259
Applied for TLD (string)	.BLOG

Response:

Dear members of the Board,

The following comments refer to the document submitted by (GAC) to the ICANN Board dated 11 April 2013. This advice may be considered to affect our application for the tld .BLOG.

First of all, we would like to state that the document produced by the GAC, and that has been considered as the GAC Advice of the new gTLD program, is not clear. Questions arise about the actual matters that the GAC wants treated as GAC advice as per Module 3.1 of the applicant guidebook, and the actual possibility of considering those matters as GAC Advice. We do not consider that sections b, f and g of the document submitted by the GAC can constitute GAC advice. Having said that, we would like to comment specifically on the "Safeguard Advice for New gTLDs" included in the document delivered by the GAC.

The Safeguard Advice is a policy initiative that is not consistent with the GAC Advice as stated in module 1.1.2.7 of the Applicant Guidebook. This initiative does not respect the proper Policy Development Process, fundamental to the whole organization. Furthermore, we think that the advices could represent major changes to rules and structure of the actual new gTLD program. These changes would be devastating for the actual program and would challenge the rules and principles over which the new gTLD projects have been constructed.

The document submitted by the GAC should not change the actual new gTLD program as the GAC Advice was never created for that purpose. If the board considers that there are reasons to kickstart a community process, this should be treated as an independent matter from the actual new gTLD program, applicable to later rounds.

We will respect, and if necessary, act upon any decision made by the Board regarding the document.

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Respondent:

Applicant Name	PRIMER NIVEL S.A.
Application ID	1-917-11894
Applied for TLD (string)	.NEWS

Response:

Dear members of the Board,

The following comments refer to the document submitted by (GAC) to the ICANN Board dated 11 April 2013. This advice may be considered to affect our application for the tld .NEWS.

First of all, we would like to state that the document produced by the GAC, and that has been considered as the GAC Advice of the new gTLD program, is not clear. Questions arise about the actual matters that the GAC wants treated as GAC advice as per Module 3.1 of the applicant guidebook, and the actual possibility of considering those matters as GAC Advice. We do not consider that sections b, f and g of the document submitted by the GAC can constitute GAC advice. Having said that, we would like to comment specifically on the "Safeguard Advice for New gTLDs" included in the document delivered by the GAC.

The Safeguard Advice is a policy initiative that is not consistent with the GAC Advice as stated in module 1.1.2.7 of the Applicant Guidebook. This initiative does not respect the proper Policy Development Process, fundamental to the whole organization. Furthermore, we think that the advices could represent major changes to rules and structure of the actual new gTLD program. These changes would be devastating for the actual program and would challenge the rules and principles over which the new gTLD projects have been constructed.

The document submitted by the GAC should not change the actual new gTLD program as the GAC Advice was never created for that purpose. If the board considers that there are reasons to kickstart a community process, this should be treated as an independent matter from the actual new gTLD program, applicable to later rounds.

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Respondent:

Applicant Name	PRIMER NIVEL S.A.
Application ID	1-917-16797
Applied for TLD (string)	LEGAL

Response:

Dear members of the Board,

The following comments refer to the document submitted by (GAC) to the ICANN Board dated 11 April 2013. This advice may be considered to affect our application for the tld .LEGAL.

First of all, we would like to state that the document produced by the GAC, and that has been considered as the GAC Advice of the new gTLD program, is not clear. Questions arise about the actual matters that the GAC wants treated as GAC advice as per Module 3.1 of the applicant guidebook, and the actual possibility of considering those matters as GAC Advice. We do not consider that sections b, f and g of the document submitted by the GAC can constitute GAC advice. Having said that, we would like to comment specifically on the "Safeguard Advice for New gTLDs" included in the document delivered by the GAC.

The Safeguard Advice is a policy initiative that is not consistent with the GAC Advice as stated in module 1.1.2.7 of the Applicant Guidebook. This initiative does not respect the proper Policy Development Process, fundamental to the whole organization. Furthermore, we think that the advices could represent major changes to rules and structure of the actual new gTLD program. These changes would be devastating for the actual program and would challenge the rules and principles over which the new gTLD projects have been constructed.

The document submitted by the GAC should not change the actual new gTLD program as the GAC Advice was never created for that purpose. If the board considers that there are reasons to kickstart a community process, this should be treated as an independent matter from the actual new gTLD program, applicable to later rounds.

We will respect, and if necessary, act upon any decision made by the Board regarding the document.

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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-4468
Applied for TLD (string)	.lawyer

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .lawyer is a string that refers to a regulated industry, we will work with governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique bar number as well as indicate the jurisdiction to which the number relates.

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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-11663
Applied for TLD (string)	.llc

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .llc is a string that refers to a regulated industry, we will work with appropriate governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique corporate number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-15036
Applied for TLD (string)	.art

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-15180
Applied for TLD (string)	.app

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-20582
Applied for TLD (string)	.law

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .law is a string that refers to a regulated industry, we will work with governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique bar number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-56004
Applied for TLD (string)	.abogado

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .abogado is a string that refers to a regulated industry, we will work with governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique bar number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-63223
Applied for TLD (string)	.inc

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .inc is a string that refers to a regulated industry, we will work with appropriate governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique corporate number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-927-73627
Applied for TLD (string)	.data

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Bayerische Motoren Werke Aktiengesellschaft
Application ID	1-938-21301
Applied for TLD (string)	bmw

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Bayerische Motoren Werke Aktiengesellschaft
Application ID	1-938-68005
Applied for TLD (string)	mini

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DotWeb Inc.
Application ID	1-956-26846
Applied for TLD (string)	Web

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

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

Response:

Executive Summary

As a Community applicant for .music, we are confident that we have addressed all of the GAC's concerns in both policy and implementation. By virtue of our decision to file under a "Community" designation and gain the broad support of the music community, we have already committed to enhanced safeguards as part of the contractual oversight of .music. The ICANN board can be assured that our application for .music is fully compliant with not only the Applicant Guidebook, but also the new requirements of the GAC.

The GAC Communiqué that was issued on April 11th 2013 (hereafter the "GAC Advice"), included four (4) areas which are relevant to our .music application. The GAC:

Area 1- Outlined six safeguards that should apply to ALL new gTLDs and be subject to contractual oversight.

Area 2- Advised that strings such as .music "invoke a level of implied trust from consumers and carry higher level of risk associated with consumer harm", and therefore should be subject to five (5) additional safeguards, with a further three (3) safeguards possibly applying.

Area 3- (1) Created guidelines for TLDs with restrictive access (our .music application is one), and (2) declared that .music was a generic term, and advised that exclusive access, if implemented, should serve a public interest goal.

Area 4 -Advised the ICANN board that in "those cases where a community, which is clearly impacted by a new set of gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinions should be duly taken into account, together with all other relevant information.

It is clear that the GAC is looking for more than statements of intent or policy, rather it is looking to ensure all applicants, with particular emphasis on some, have not only adequately planned for the implementation of safeguards against abusive use, but are also contractually held to

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account for compliance. To underline this point, and ensure a thorough response, this document will address each of the four areas in detail below.

By way of introduction, .Music LLC., a Far Further company, as a careful, committed and diligent Community applicant for .music, is confident that we have proactively addressed all of the GAC's concerns in both policy and implementation in our original application. By virtue of our decision to file under a "Community" designation, we are already subject to tighter contractual oversight of .music. The ICANN board should be assured that our application for .music is fully compliant with not only the Applicant Guidebook, but also the Advice contained in the GAC's Beijing Communique. Our application for .music is a natural extension of our desire to serve all members of the music community through a trusted namespace that respects creative and Intellectual Property rights. We have invested over six years and substantial resources pursuing this vision and building an unprecedented level of global music community support, which encompasses millions of individual members within more than 1,000 associations in over 150 countries. We respectfully submit that the ICANN Board can have confidence in the strength and thoroughness of our application and resist any calls to delay the program or its progress.

Despite the fact that the .Music LLC. application meets the GAC criteria that are associated with the .music string, we recognize that the GAC document must be discussed in the community before it can be implemented but we hope that the new gTLD process will move forward as planned and not be delayed. We therefore urge the board to withstand requests for any further changes, and or delays.

Area 1: Six safeguards that apply to all new gTLDs

In Annex I, page 7 of the GAC Advice, the GAC identifies six (6) safeguards for for all new gTLD applicants. Each of these is described below, accompanied by our explanation for meeting or exceeding each:

1- Whois verification and checks. We fully meet/exceed this requirement. We have detailed in our response to Q28.4 additional measures we will take on our own initiative to promote Whois accuracy. These measures are exactly what the GAC has requested under this requirement.

2- Mitigating Abuse Activity: We fully meet/exceed this requirement. We define as "abuse" the use of domain names for any of the following activities:

- Spam
- Phishing
- Pharming
- Distribution of malware
- Fast flux hosting
- Botnets
- Distribution of child pornography
- Online sale or distribution of illegal pharmaceuticals.
- Intellectual Property Violation
- Copyright Violation

We have already gone one step further than most applicants, and planned for the implementation of a service that will help detect abusive activity in near real-time, and mitigate it in a consistent and automated manner. We are one of the first adopters of Architelos'

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NameSentry Abuse Detection and Mitigation service (www.architelos.com/namesentry). This service, provided by a neutral 3rd party, was specifically designed for the abuse policies and procedures of Far Further's .Music LLC.

3- Security Checks. We fully meet/exceed this requirement. While the GAC's advice here is that registries "periodically" conduct an analysis to see if their domains are being used for abusive purposes, our use of NameSentry ensures that we are ALWAYS scanning our .music TLD to detect any abusive activity within near real-time. The NameSentry service will also automatically match up the abusive domain with the sponsoring registrar and send out a notification asking for resolution of the matter within 12 hours. Since NameSentry will be integrated with our Trouble Ticketing system, a queue will be created for each such instance. If within 12 hours the registrar has not resolved the issue, per our policy we will place the domain on "serverhold". A complete record of every instance will therefore be kept both in our Trouble Ticketing system as well as in NameSentry.

4- Documentation: We fully meet/exceed this requirement. We will perform an audit of a statistical sample of the whois record on an at least twice yearly basis. In addition, our use of NameSentry ensures the availability of an audit trail for every instance of a security threat (due to abuse domain registrations) and our actions. This level of documentation and transparency is unprecedented in current gTLDs, but we believe it demonstrates our commitment to serving our community.

5- Making and handling Complaints: We fully meet/exceed this requirement. As we stated above and in our answer to the Applicant Guidebook Q 28.4 we provide a mechanism for 3rd party complaints about inaccurate Whois. We also will have and publish on our website a single point of contact for complaints related to abuse or illegal use. Lastly, will oversee Registrant Accreditation Criteria and help evaluate enforcement mechanisms, including appeal procedures to ensure the protection of intellectual property rights in the .music TLD.

6- Consequences: We fully meet/exceed this requirement. Our answers to the Applicant Guidebook Q.28 are very clear with regards to consequences for validated breach of the Acceptable Use Policy, providing inaccurate or false Whois data, and other illegal activity. In each of these cases, the sponsoring registrar and its reseller is given 12 hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar (reseller) has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "serverHold".

GAC Area I: Five additional safeguards for TLDs with implied levels of consumer trust

In Annex I, Category 1, of the GAC Advice, the GAC identifies five (5) additional safeguards for a new category of strings including .music. These require:

- 1- That registry operators include in their Acceptable Use Policy the requirement that registrants comply with all applicable laws.
- 2- That registrants be notified at the time of registration of the above requirement.

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3- That Registry operators will require that registrants who collect and maintain sensitive health and financial data to implement appropriate security measures, as defined by applicable laws and industry standards.

4- That registries establish a working relationship with appropriate regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate risk of fraudulent and illegal activities.

5- That Registry operators require registrants to provide and maintain an up-to-date single point of contact for notifications of complaints or abuse, and for registry operators to maintain in their place of business, the contact details for appropriate regulatory or self-regulating bodies.

The first two requirements are fully met. Far Further's .Music LLC. application specifies that "eligible registrants may register domains in compliance with the Registrant Agreement and its Acceptable Use Policy." In our answer to the Applicant Guidebook's Q.20.e.3, we clearly state that the Registrant Agreement is "presented during the registration process, this agreement will require registrant compliance with the dotMusic Registry rules and Acceptable Use Policy." Our Acceptable Use Policy is reproduced in its entirety in our answer to Q. 28.2 and clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. We also state that this policy is to be incorporated into the Registry-Registrar Agreement, whereby each ICANN-Accredited Registrar must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to the TLD registrants. (Please refer to a copy of our answer attached)

The third requirement is not applicable to .music. The nature of the .music string is different from financial services or health related strings. Our eligibility criteria helps ensure that only members of the music community are allowed to register. These registrants are not likely to collect sensitive health or financial data. We also have specific policies such as Privacy, Data Protection, and even Identity and Access Management amongst others, which are detailed in our answers to Q.30.a.2, of the Applicant Guidebook. (Please refer to a copy of our answer attached)

The fourth requirement is fully met. In our application for .music, we have established various mechanisms for cooperating with appropriate regulatory bodies, as well as the inclusion of a community representative regulatory body, the Policy Advisory Board (PAB). For example, the Acceptable Use Policy may be triggered through a variety of channels to mitigate the risk of fraudulent or illegal activity, including, among other things, community member complaint, private complaint, public alert, government or enforcement agency outreach, and the ongoing monitoring by the Registry or its partners. In all cases, we or our designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.

The fifth requirement is fully met. Stated another way, this element requires: (a) Whois accuracy, and (b) an additional field in the Whois for capturing registrant contact details for complaints or abuse. With regards to:

(a) we recognize the importance of an accurate, reliable, and up-to-date WHOIS database to governments, law enforcement, intellectual property holders and the public as a whole and are firmly committed to complying with all of the applicable WHOIS specifications for data objects, bulk access, and lookups as defined in Specifications 4 and 10 to the Registry Agreement. In

addition, our Whois Service is compliant with all relevant RFCs including 3912. In addition, we have detailed in our response to the Applicant Guidebook Q28.4 additional measures we will take on our own initiative to promote Whois accuracy. These measures include a mechanism whereby third parties can submit complaints about inaccurate whois directly to the Applicant, as well as a manual review of a random sample of Whois information, no less than twice per year.

(b) our Whois architecture is flexible and has the capability of handling additional fields, such as an abuse point of contact. Regardless of the number of additional fields, the key aim is an accurate Whois database. Our application includes measures well beyond what is contractually required, and should demonstrate our commitment to maintaining an accurate Whois database.

(Please refer to a copy of our answer attached)

AREA 3 - Restricted or exclusive access to a generic gTLD

Restricted access: Access to .music is governed by a set of eligibility rules. Potential domain registrants must be members of, or affiliated with, at least one organization in the music community. Domain registrations may be accepted, but will not resolve until the registrant's membership credentials have been verified. This will require verification of relevant membership data during the registration process. This membership will be crosschecked with the relevant member organization. Verification of continued membership is required for renewal, to ensure ongoing eligibility.

Exclusive access: Although the GAC has identified a .music application as one limited by exclusive access, this is a different application than ours. The FarFurther application is open to all those who belong to the community as described in our application.

AREA 4 – Recognizing Community Support

Far Further's .Music LLC application is currently in contention with seven (7) other applicants. The contending applicants can be categorized as portfolio applicants (Donuts, TLDH, Radix, Famous Four), large Internet companies (Amazon, Google), and another start-up who has chosen to file under a community designation (DotMusic / CGR E-Commerce Ltd).

Prior to submitting our application, we spent years working with representatives from within the worldwide music community to develop policies for creative rights protections and membership requirements that not only serve the common interest of the global music community and meet ICANN's guidelines, but also are balanced with the needs of the internet user and music consumers. In 2011 Far Further's .Music LLC engaged with representative members of the global music community for the opportunity to represent the music community and to submit a .music application on its behalf. After a number of companies, including the other community applicant, went through a thorough vetting process, the community representatives chose to endorse Far Further's .Music LLC. Since then we have continued to receive endorsements from 60 international music-related organizations. These include worldwide music-focused cultural organizations, international musician's unions, music educator's organizations, musical instrument manufacturers, international music distributors, music rights and licensing organizations, independent and major record companies, musicians,

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artists, songwriters, music publishers, “DIY” participants and other organizations representing both commercial and non-commercial stakeholders in the music community. For the full list please see <http://www.farfurther.com/global-community-support.html>

Without question, the music community will be impacted by a .music gTLD. Our mission is to ensure that this is a positive impact by fostering the long term survival and enjoyment of the art in the digital medium by protecting the creative rights of those who make their livelihood from the creation, performance, education and production of music. There is clear and collective support of .Music LLC's application from the music community, as there is no other .music applicant who can claim the number and scale of national and international music organizations as supporters.

SUMMARY

We have spent significant time and resources to proactively meet and in many cases exceed both ICANN's and even the GAC's expectations of new gTLD applicants. We have designed a registry that is stable and secure, with innovative policies and implementation mechanisms to ensure a safe and secure user experience. We encourage the board to acknowledge the good faith we and many other applicants exercised in believing and participating in the multi-stakeholder process that culminated in the Applicant Guidebook. The process resulted in new protections for communities, consumers and trademark holders. While new recommendations for protections are always welcome, and the .music application addresses these new recommendations, the discussions of these new issues should occur in parallel with application processing. We therefore urge the board to resist delaying the program while new protections are discussed.

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

e) Please provide a complete description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD. The .music TLD will be a restricted domain space where second level .music domain names can be registered by eligible individuals, businesses and not-for-profit entities all around the globe. The following policies and mechanisms will be used to ensure support of the community-based purpose of the .music TLD: 1. Music Association/Organization membership: Potential domain registrants must be members of or affiliated with at least one Member Organization of the Global Music Community. Domain registrations may be accepted, but will not resolve until the registrant's membership credentials have been verified. This will require verification of relevant membership data during the registration process. This membership will be crosschecked with the relevant Member Organization. Verification of continued membership is required for renewal, to ensure ongoing eligibility. 2. Registrant Agreement: Presented during the registration process, this agreement will require registrant compliance with the dotMusic Registry rules and Acceptable Use Policy (for details see Q28). 3. Qualified Registrars and Member based Resellers: .music domains will only be available via ICANN accredited registrars (and their resellers) with demonstrated technical capability who have agreed to comply with .music's Registry/Registrar Agreement. In order to ensure strict compliance with .music policy and offer the greatest opportunities to our community, the dotMusic registry will encourage Member Organizations of the GMC to become accredited resellers. In addition, .music will operate as a global registry from inception. Formatting flexibility is required to accommodate bandwidth constraints that may be experienced in the developing world. Accordingly, the dotMusic Registry will not mandate any particular formatting or usage. Reserved Names: dotMusic Registry will reserve the following classes of domain names, which will not be available to registrants via the Sunrise or subsequent periods: • The reserved names required in Specification 5 of the new gTLD Registry Agreement. • The geographic names required in Specification 5 of the new gTLD Registry Agreement, and as per our response to Question 21. See our response to Question 22 ("Protection of Geographic Names") for details. • The registry operator will reserve its own name and variations thereof, and registry operations names (such as nic.music, and registry.music,), so that we can point them to our Web site. Reservation of the registry operator's names was standard in ICANN's past gTLD contracts. • We will also reserve names related to ICANN and Internet standards bodies (iana.music, ietf.music, www.music, etc.), for delegation of those names to the relevant organizations upon their request. Reservation of this type of name was standard in ICANN's past gTLD contracts. The list of reserved names will be public prior to the launch of the Sunrise period. Premium Names: • The dotMusic Registry will also designate a set of "premium names," which will be set aside for distribution via special mechanisms. Premium names have been a standard feature of TLD rollouts since 2005. The list of premium names will be public prior to the launch of the Sunrise period. • Premium names will be distributed by application only. Applicants would be required to describe how the intended use of a given premium name will result in demonstrable benefits to the .music community. The policies and procedures for receipt, review, and award of premium name

applications will be based on input from the PAB and will be posted on the dotMusic Registry web site in advance. The rules to ensure transparency, integrity and in the distribution of names, include but are not limited to:

- a. Strict prohibition of all employees of the dotMusic Registry operator, and its contractors, against bidding in auctions or having any ownership or interest in a premium name applicant.
- b. Use of the Trademark Clearinghouse during General Availability (Trademark Claims Service) for an additional 60 days, for notifications of new registrations only where the string is a complete match with a filing in the Trademark Clearinghouse.

Dispute Resolution Mechanisms:

- Registrants and rights holders will have access to several dispute mechanisms. These are fair and transparent processes to adjudicate claims to domain names, and they also protect registrants against reverse domain hijacking.
- Names registered in the Sunrise Period will be subject to a Sunrise Dispute Policy. This policy and procedure will be in effect for a finite time period, to provide special protection of qualified trademark rights. Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will be subject to the Uniform Dispute Resolution Policy (UDRP). Please see our response to Question 29 ("Rights Protection Mechanisms") for full details.
- As required by ICANN, .music domains will also be subject to the Universal Rapid Suspension (URS) policy. Please see our answer to Question 29 ("Rights Protection Mechanisms") for full details.
- We will provision systems to take in and administrate cases as per ICANN's Registrar Transfer Dispute Resolutions Policy (<http://www.icann.org/en/transfers/dispute-policy-12jul04.htm>). This process will allow registrars to protect registrants by filing disputes about inter-registrar transfers that they believe were unauthorized or improperly executed.
- MEDRP: .music will support the Music Eligibility Dispute Resolution Procedure. This dispute mechanism will be available to members of the .music community and end-users to file claims against registrants of the .music domain for violations of the .music eligibility and use community rules and policies. We will select an adjudication service from the list of ICANN approved arbitrators to facilitate MEDRP claims (please see Q28 and Q29 for further details).

Eligibility: who is eligible to register a second-level name in the gTLD, and how will eligibility be determined.

- Potential domain registrants must be members of or affiliated with at least one Member Organizations of the Global Music Community. Domain registrations may be accepted, but will not resolve until the registrant's membership credentials have been verified. Please see the "Proposed .music Registration Process" attachment in our answer to Q48 for a step-by-step visual depiction of the process. **Should the registrant fail to meet the eligibility criteria, they risk the suspension and ultimately deletion or loss of their domain name. Verification of continued membership is required for renewal, to ensure ongoing eligibility.**

Name selection: what types of second-level names may be registered in the gTLD.

- Please see the Reserve Name policy detailed above. Beyond these, eligible registrants may register domains in compliance with the Registrant Agreement and its Acceptable Use Policy.

Content/Use: what restrictions, if any, the registry operator will impose on how a registrant may use its registered name.

- Registrants must hold valid rights to all materials displayed on and/or distributed through their specific site. **Please see Q28 for details on .music's Acceptable Use Policy. The dotMusic registry will be regularly monitored potential violations and also provide a robust abuse reporting process for such violations noticed by others. Should the**

registrant be found in violation, they risk the suspension and ultimately deletion or loss of their domain name. Enforcement: what investigation practices and mechanisms exist to enforce the policies above, what resources are allocated for enforcement, and what appeal mechanisms are available to registrants. - The .music Registry-Registrar and the Registrant Agreements will include extensive monitoring, enforcement (up to and including take downs) as well as appeal provisions. Monitoring o The .music TLD will be monitored by online scanning tools such as those that search for keywords that are commonly used to identify the availability of music distributed without appropriate authorization or in violation of intellectual property rights. Suspected abuse from such automated search tools will flag an analyst from our abuse team (see Q28) who will then access and review the website to confirm the abuse. Neustar will enable .music analysts to suspend domain names as required. o The dotMusic Registry will also use Abuse Mitigation Services to monitor, detect and mitigate domain name abuses (se Q29) Enforcement and Appeal o Registrants in violation of the Registrant Agreement risk the suspension and ultimately deletion or loss of their domain name. o As detailed in our answer to Q28, failure to comply with the Registry-Registrar agreement will result in loss or revocation of registrar accreditation. o The dotMusic Registry will use standard dispute mechanisms (see Q28 and Q29), such as UDRP, URS etc. However, in the case of serious allegations of failure to meet community member eligibility requirements, we have created a MEDRP (Music Community Eligibility Dispute Resolution Procedure). This dispute mechanism will be arbitrated by a third party approved by ICANN such as WIPO and will be binding on all parties (provisions will be named in the Registrant Agreement). Disputes may be initiated by community members or end-users; however, there will be reasonable limitations developed on the filing of disputes to prevent abuse of the mechanism. Please see our answer to Q20(b) under "Accountability mechanisms of the applicant to the community" for additional details on appeal procedures.

28. Abuse Prevention and Mitigation

28.1 Abuse Prevention and Mitigation

Strong abuse prevention of a new gTLD is an important benefit to the internet community. .music and its registry operator and back-end registry services provider, Neustar, agree that a registry must not only aim for the highest standards of technical and operational competence, but also needs to act as a steward of the space on behalf of the Internet community and ICANN in promoting the public interest. Neustar brings extensive experience establishing and implementing registration policies. This experience will be leveraged to help .music combat abusive and malicious domain activity within the new gTLD space.

One of those public interest functions for a responsible domain name registry includes working towards the eradication of abusive domain name registrations, including, but not limited to, those resulting from:

- Illegal or fraudulent actions
- Spam
- Phishing

- Pharming
- Distribution of malware
- Fast flux hosting
- Botnets
- Distribution of child pornography
- Online sale or distribution of illegal pharmaceuticals.
- Intellectual Property Violation
- Copyright Violation

More specifically, although traditionally botnets have used Internet Relay Chat (IRC) servers to control registry and the compromised PCs, or bots, for DDoS attacks and the theft of personal information, an increasingly popular technique, known as fast-flux DNS, allows botnets to use a multitude of servers to hide a key host or to create a highly-available control network. This ability to shift the attacker's infrastructure over a multitude of servers in various countries creates an obstacle for law enforcement and security researchers to mitigate the effects of these botnets. But a point of weakness in this scheme is its dependence on DNS for its translation services. By taking an active role in researching and monitoring these sorts of botnets, .music's partner, Neustar, has developed the ability to efficiently work with various law enforcement and security communities to begin a new phase of mitigation of these types of threats.

Policies and Procedures to Minimize Abusive Registrations

A Registry must have the policies, resources, personnel, and expertise in place to combat such abusive DNS practices. As .music's registry provider, Neustar is at the forefront of the prevention of such abusive practices and is one of the few registry operators to have actually developed and implemented an active "domain takedown" policy. We also believe that a strong program is essential given that registrants have a reasonable expectation that they are in control of the data associated with their domains, especially its presence in the DNS zone. Because domain names are sometimes used as a mechanism to enable various illegitimate activities on the Internet often the best preventative measure to thwart these attacks is to remove the names completely from the DNS before they can impart harm, not only to the domain name registrant, but also to millions of unsuspecting Internet users.

Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail. The use of this technique should not be entered into lightly. .music has an extensive, defined, and documented process for taking the necessary action of removing a domain from the zone when its presence in the zone poses a threat to the security and stability of the infrastructure of the Internet or the registry.

Abuse Point of Contact

As required by the Registry Agreement, .music will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement, its community members and the public related to malicious and abusive conduct. .music will also provide such information to ICANN prior to the delegation of any domain names in the TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious

conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our registry services provider, Neustar, shall have an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

28.2 Policies Regarding Abuse Complaints

One of the key policies each new gTLD registry will need to have is an Acceptable Use Policy that clearly delineates the types of activities that constitute "abuse" and the repercussions associated with an abusive domain name registration. In addition, the policy will be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse. This will include locking down the domain name - preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name "on hold" rendering the domain name non-resolvable, transferring to the domain name to another registrar, and/or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation.

The dotMusic Registry will adopt an Acceptable Use Policy that clearly defines the types of activities that will not be permitted in the TLD and reserves the right of the Applicant to lock, cancel, transfer or otherwise suspend or take down domain names violating the Acceptable Use Policy and allow the Registry where and when appropriate to share information with law enforcement. Each ICANN-Accredited Registrar (even in the case of a sole registrar model) must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to the TLD registrants. Below is the Registry's initial Acceptable Use Policy that we will use in connection with .music.

the dotMusic Registry Acceptable Use Policy

This Acceptable Use Policy gives the Registry the ability to quickly lock, cancel, transfer or take ownership of any .music domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners - and/or that may put the safety and security of any registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats.

The Acceptable Use Policy may be triggered through a variety of channels, including, among other things, community member complaint, private complaint, public alert, government or enforcement agency outreach, and the on-going monitoring by the Registry or its partners. In all cases, the Registry or its designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.

The following are some (but not all) activities that will be subject to rapid domain compliance:

- Phishing: the attempt to acquire personally identifiable information by masquerading as a website other than .music's own.
- Pharming: the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
- Dissemination of Malware: the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
- Fast Flux Hosting: a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
- Botnetting: the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
- Malicious Hacking: the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- Child Pornography: the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.
- Community Abuse Considerations: The dotMusic Registry will create a safe TLD in .music by actively monitoring and combating copyright infringement, cybersquatting, typo-squatting and any other domain name and registration based abusive practices. They will also actively monitor and combat the harder abuse instances that plague the music industry in the online world. These are defined as copyright infringement that results from P2P sharing, illegal digital distribution, along with any and all types of Intellectual Property infringement involving the DNS.

The Registry reserves the right, in its sole discretion, to take any administrative and operational actions necessary, including the use of computer forensics and information security technological services, among other things, in order to implement the Acceptable Use Policy. In addition, the Registry reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion; (1) to protect the integrity and stability of the registry; (2) to enforce the requirements of community membership and acceptable use (3) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (4) to avoid any liability, civil or criminal, on the part of Registry as well as its affiliates, subsidiaries, officers, directors, and employees; (5) per the terms of the registration agreement or (6) to correct mistakes made by the Registry or any Registrar in connection with a domain name registration. Registry also reserves the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

Taking Action Against Abusive and/or Malicious Activity

The Registry is committed to ensuring that those domain names associated with abuse or Malicious conduct in violation of the

Acceptable Use Policy are dealt with in a timely and decisive manner. These include taking action against those domain names that are being used to threaten the stability and security, the community requirements of the TLD, or is part of a real-time investigation by law enforcement.

Once a complaint is received from a trusted source, third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar and the relevant reseller will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the Registry to keep the name in the zone. If the registrar (reseller) has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold". Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

Coordination with Law Enforcement

With the assistance of Neustar as its back-end registry services provider, .music can meet its obligations under Section 2.8 of the Registry Agreement where required to take reasonable steps to investigate and respond to reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of its TLD. The Registry will respond to legitimate law enforcement inquiries within one business day from receiving the request. Such response shall include, at a minimum, an acknowledgement of receipt of the request, Questions or comments concerning the request, and an outline of the next steps to be taken by .Music for rapid resolution of the request.

In the event such request involves any of the activities which can be validated by the Registry and involves the type of activity set forth in the Acceptable Use Policy, the sponsoring registrar and its reseller is then given 12 hours to investigate the activity further and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety or providing a compelling argument to the registry to keep the name in the zone. If the registrar (reseller) has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "serverHold".

Monitoring for Malicious Activity

28.3 Measures for Removal of Orphan Glue Records

As the Security and Stability Advisory Committee of ICANN (SSAC) rightly acknowledges, although orphaned glue records may be used for abusive or malicious purposes, the "dominant use of orphaned glue supports the correct and ordinary operation of the DNS." See <http://www.icann.org/en/committees/security/sac048.pdf>.

While orphan glue often support correct and ordinary operation of the DNS, we understand that such glue records can be used maliciously to point to name servers that host domains used in illegal phishing, bot-

nets, malware, and other abusive behaviors. Problems occur when the parent domain of the glue record is deleted but its children glue records still remain in DNS. Therefore, when the Registry has written evidence of actual abuse of orphaned glue, the Registry will take action to remove those records from the zone to mitigate such malicious conduct.

Neustar run a daily audit of entries in its DNS systems and compares those with its provisioning system. This serves as an umbrella protection to make sure that items in the DNS zone are valid. Any DNS record that shows up in the DNS zone but not in the provisioning system will be flagged for investigation and removed if necessary. This daily DNS audit serves to not only prevent orphaned hosts but also other records that should not be in the zone.

In addition, if either .music or Neustar become aware of actual abuse on orphaned glue after receiving written notification by a third party through its Abuse Contact or through its customer support, such glue records will be removed from the zone.

28.4 Measures to Promote WHOIS Accuracy

The dotMusic Registry acknowledges that ICANN has developed a number of mechanisms over the past decade that are intended to address the issue of inaccurate WHOIS information. Such measures alone have not proven to be sufficient and .music will offer a mechanism whereby third parties can submit complaints directly to the Applicant (as opposed to ICANN or the sponsoring Registrar) about inaccurate or incomplete WHOIS data. Such information shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their registrants. Thirty days after forwarding the complaint to the registrar, .music will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, Applicant reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

In addition, .music shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of .music domain names to test the accuracy of the WHOIS information. Although this will not include verifying the actual information in the WHOIS record, .music will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their registrants. Thirty days after forwarding the complaint to the registrar, the Applicant will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, .music reserves the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

28.4.1 Authentication of Registrant Information and Monitoring of

Registration Data

Authentication of registrant information as complete and accurate at time of registration. Most .music registrations will be sold by "reseller".music community member associations to their memberships. These resellers will in many cases be able to verify their own memberships at the time of domain sale. To address the case where the reseller lacks the ability to do this in the domain sale process, the .music reseller platform will capture all registrant declaration as to community membership including the identification of their accredited member association. All registrations associated with a given member association will be reported daily to the relevant member association for asynchronous review. Discrepancies in declared community membership will be addressed through the standard abuse practices described in the Acceptable Use Policy.

28.4.3 Policies and Procedures Ensuring Compliance (RRA and RA)

The dotMusic Registry intends to operate as a sole registrar model but will offer exclusive reseller services for music associations to sell domain names to their memberships. This registrar entity and subsequent resellers will be required to enforce measures, establish policies and procedures to ensure compliance, which may include audits, financial incentives, penalties, or other means.

The Registry-Registrar Agreement (RRA) will contain the following terms which will be passed through to the Reseller Agreements where applicable:

1. Confirming that Registrants have a bona fide affiliation with a legitimate Community Member.
2. Requiring that Registrants execute a Registrant Agreement which provides an additional level in securing the protection of creative and intellectual property rights and serves to mitigate copyright infringement, piracy and any other abuse as outlined in the dotMusic Registry policies.
 - a. The electronic acceptance of the Registrant Agreement would be a pre-requisite to the confirmation of any registration or renewal transaction performed by the Registrar (reseller).
 - b. Ensuring an electronic audit trail is maintained at the registrar, referencing each and every .music registration to an acceptance date of the Registrant Agreement.
3. Requiring their registrants to certify on an annual basis that they are in compliance with all Accreditation Criteria and other policies and requirements governing domains, including, but not limited to, that the registrant:
 - a. is not, and will not be involved in any form of copyright infringement, or otherwise facilitate such copyright infringement or provide access to any software, service or application that facilitates copyright infringement, directly or indirectly through the domain;
 - b. has all the rights necessary to transmit, display, provide access to, reproduce, distribute, publish, link to, perform or otherwise exploit any copyrighted content made available directly or indirectly through the domain;
 - c. has and will maintain appropriate records sufficient to verify any claimed licenses or authorizations to use or exploit creative content owned by third parties;
 - d. will only use the domain in connection with activities involving

legitimate/authorized uses of creative works and not to facilitate infringement; and

- e. meets the other Accreditation Criteria and that their operation of the site is legal
4. Acknowledgement that proxy registrations are disallowed, except those proxy registration services that are approved by, and fully comply with ICANN standards and .Music Registry policies.
5. Acknowledgement that the registrar and/or reseller will enforce the terms of the Registrant Agreement.
6. Acknowledgement that the registrar and/or reseller will endeavor to maintain WHOIS accuracy by:
 - a. authenticating the registrant information as complete and accurate at time of registration,
 - b. ensure the registrant is a valid member of good standing in at least of one of Coalition Member Organizations. Means requiring submission of identifying membership information.
 - c. ensuring completeness and verifying all contact information of principals mentioned in registration data. Means may include utilizing simple web based technology to discern and thus reject inaccurate data (such as mismatch of zip code and State Code), and other means,
 - d. regular monitoring of registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data. Means to do so would include periodic email alerts to the domain name registrant to verify or correct WHOIS information.
7. Acknowledgement of and compliance with .Music Registry's abuse detection and mitigation procedures, up to and including domain takedown.
8. Acknowledgement of the .Music Registry's right to take action to ensure compliance with the abuse detection and mitigation policies and procedures of the .Music Registry.
 - a. Acceptance of .Music's right to suspend domains found to be in violation of .Music policies.
 - b. Implement reasonable procedures to identify repeat registrants that attempt to avoid detection as repeat offender registrants, etc.
 - c. Registrar (resellers) will be required to promptly take down/deregister domains that fail to comply with the Accreditation Criteria and other policies governing domains (including, but not limited to breach of the certification contemplated below), and to refuse to accept registrations from registrants that previously violated such criteria or policies.
 - d. Annual verification of and electronic acceptance of the RRA.

Last but not least, the .Music Registry will create the Registrant Agreement. The RA would be furnished to all .Music registrar's resellers as part of the reseller accreditation procedures. The RA would at a minimum require all registrants to:

1. Agree to and abide by the terms of the .Music Registrant Agreement.
2. Adhere to the protection of Creative and Intellectual Property rights such as mitigating copyright infringement and piracy as well as guarding against other abuses such as cyber squatting, typo-squatting or other abusive registration practices defined in the agreement.
3. Annually notifying Registrants of their current agreement to:
 - a. Avoid of any form of copyright infringement, or otherwise facilitate such copyright infringement or provide access to any

software, service or application that facilitates copyright infringement, directly or indirectly through the domain;

b. Possess all necessary rights to transmit, display, provide access to, reproduce, distribute, publish, link to, perform or otherwise exploit any copyrighted content made available directly or indirectly through the domain;

c. Maintain appropriate records to sufficiently verify any claimed licenses or authorizations to use or exploit creative content owned by third parties;

d. Use the domain only in connection with activities involving legitimate/authorized uses of creative works and not to facilitate infringement;

e. Meet other Accreditation Criteria as set forth from time to time

f. Implement reasonable monitoring of their site and their domain to police against infringing activity;

g. Implement reasonable enforcement procedures to ensure that any unauthorized content is removed before being placed on the domain or immediately removed once the registrant becomes aware of such unauthorized content;

h. Proactively ensure unauthorized content is not made available via the domain;

i. Acknowledge the .Music Registry's right to engage in monitoring and policing activity of the registrant's domain and site; and

j. Provide evidence of reasonable security and other measures that will be used to protect content made available from the domain.

4. Acknowledgement that if the registrant's domain use is found to be in violation of the .Music Registrant Agreement, the domain will be subject to suspension and reclaimed by the Registry.

.Music Registry will set itself up as a sole registrar, providing reseller capability to Community Member Associations, who will in turn sell .Music domains to their memberships. This model will provide the following advantages:

- minimize malicious conduct in .music (eg: quicker takedown in case of abusive behavior),
- minimize dot Music Registry's administrative and technical costs,
- maximize compliance with dotMusic Registry policies, and
- maximize control, as the dotMusic Registry would be the "Registrar of Record" in the WHOIS.

28.5 Resourcing Plans

Responsibility for abuse mitigation rests with a variety of functional groups. The Abuse Monitoring team is primarily responsible for providing analysis and conducting investigations of reports of abuse. The customer service team also plays an important role in assisting with the investigations, responded to customers, and notifying registrars of abusive domains. Finally, the Policy/Legal team is responsible for developing the relevant policies and procedures.

The necessary resources will be pulled from the pool of available resources described in detail in the response to Question 31, as well as resources described under the Abuse and Compliance Team. The following resources are available from those teams:

Customer Support – 12 employees

Policy/Legal – 2 employees

Abuse and Compliance Monitoring Team – 4 employees

The dotMusic Registry, as noted in our financials, has provisioned for a community compliance and support function. Oncall 24/7/365, this team supports both the community eligibility verification functions as well as providing a Tier 2 escalation for abuse cases reported through the Tier 1 Neustar Customer Support Teams. We estimate the community and compliance support function will spend no more than 10% of their collective time responding to abuse complaints in view of the estimated registration volumes and for the following reasons:

- Registrants are verified members of an accredited .music community organization or association in order to have an "active" registration and are held to strict community eligibility requirements
- Registrants are well informed that IP protection is a fundamental priority to attain a .music domain. They risk substantial investment loss by risking non-compliance to the participation requirements in .music
- Registrants who lose their .music registrations due to non-compliance can put their related music organization or association memberships at risk
- The .music domain while market-competitive, is not a low cost domain space, which further has a cooling effect on attempted abusive registration
- Regular compliance scanning of the namespace for both community eligibility requirement conformance and abuse detection, as described in Q18 and earlier in Q28 will operate as a deterrent to abusive registration use.

30.(a).2 Summary of Security Policies

Neustar has developed a comprehensive Information Security Program in order to create effective administrative, technical, and physical safeguards for the protection of its information assets, and to comply with Neustar's obligations under applicable law, regulations, and contracts. This Program establishes Neustar's policies for accessing, collecting, storing, using, transmitting, and protecting electronic, paper, and other records containing sensitive information.

-The policies for internal users and our clients to ensure the safe, organized and fair use of information resources.

-The rights that can be expected with that use.

-The standards that must be met to effectively comply with policy.

-The responsibilities of the owners, maintainers, and users of Neustar's information resources.

-Rules and principles used at Neustar to approach information security issues

The following policies are included in the Program:

1. Acceptable Use Policy

The Acceptable Use Policy provides the rules of behavior covering all Neustar Associates for using Neustar resources or accessing sensitive information.

2. Information Risk Management Policy

The Information Risk Management Policy describes the requirements for the on-going information security risk management program, including defining roles and responsibilities for conducting and evaluating risk assessments, assessments of technologies used to provide information security and monitoring procedures used to measure policy compliance.

3. Data Protection Policy

The Data Protection Policy provides the requirements for creating, storing, transmitting, disclosing, and disposing of sensitive information, including data classification and labeling requirements, the requirements for data retention. Encryption and related technologies such as digital certificates are also covered under this policy.

4. Third Party Policy

The Third Party Policy provides the requirements for handling service provider contracts, including specifically the vetting process, required contract reviews, and on-going monitoring of service providers for policy compliance.

5. Security Awareness and Training Policy

The Security Awareness and Training Policy provide the requirements for managing the on-going awareness and training program at Neustar. This includes awareness and training activities provided to all Neustar Associates.

6. Incident Response Policy

The Incident Response Policy provides the requirements for reacting to reports of potential security policy violations. This policy defines the necessary steps for identifying and reporting security incidents, remediation of problems, and conducting lessons learned post-mortem reviews in order to provide feedback on the effectiveness of this Program. Additionally, this policy contains the requirement for reporting data security breaches to the appropriate authorities and to the public, as required by law, contractual requirements, or regulatory bodies.

7. Physical and Environmental Controls Policy

The Physical and Environment Controls Policy provides the requirements for securely storing sensitive information and the supporting information technology equipment and infrastructure. This policy includes details on the storage of paper records as well as access to computer systems and equipment locations by authorized personnel and visitors.

8. Privacy Policy

Neustar supports the right to privacy, including the rights of individuals to control the dissemination and use of personal data that describes them, their personal choices, or life experiences. Neustar supports domestic and international laws and regulations that seek to protect the privacy rights of such individuals.

9. Identity and Access Management Policy

The Identity and Access Management Policy covers user accounts (login ID naming convention, assignment, authoritative source) as well as ID lifecycle (request, approval, creation, use, suspension, deletion, review), including provisions for system/application accounts, shared/group accounts, guest/public accounts, temporary/emergency accounts, administrative access, and remote access. This policy also includes the user password policy requirements.

10. Network Security Policy

The Network Security Policy covers aspects of Neustar network infrastructure and the technical controls in place to prevent and detect security policy violations.

11. Platform Security Policy

The Platform Security Policy covers the requirements for configuration management of servers, shared systems, applications, databases, middle-ware, and desktops and laptops owned or operated by Neustar Associates.

12. Mobile Device Security Policy

The Mobile Device Policy covers the requirements specific to mobile devices with information storage or processing capabilities. This policy includes laptop standards, as well as requirements for PDAs, mobile phones, digital cameras and music players, and any other

removable device capable of transmitting, processing or storing information.

13. Vulnerability and Threat Management Policy

The Vulnerability and Threat Management Policy provides the requirements for patch management, vulnerability scanning, penetration testing, threat management (modeling and monitoring) and the appropriate ties to the Risk Management Policy.

14. Monitoring and Audit Policy

The Monitoring and Audit Policy covers the details regarding which types of computer events to record, how to maintain the logs, and the roles and responsibilities for how to review, monitor, and respond to log information. This policy also includes the requirements for backup, archival, reporting, forensics use, and retention of audit logs.

15. Project and System Development and Maintenance Policy

The System Development and Maintenance Policy covers the minimum security requirements for all software, application, and system development performed by or on behalf of Neustar and the minimum security requirements for maintaining information systems.

1-961-6109 Response to GAC Advice

Respondent:

Applicant Name	Excellent First Limited
Application ID	1-961-6109
Applied for TLD (String)	慈善(charity)

Response:

Summary

The purpose of the proposed gTLD 慈善(.charity) is to create a trusted and intuitive space for Chinese-speaking Internet users to carry out and interact with charity activities in their own language.

Evidenced by the numerous mechanisms to minimise harm to consumers, respond in real time to allegations of abuse such as phishing and pharming, and the applicant's Public Interest Commitment, the applicant welcomes the GAC's advice, and is confident that it will meet or exceed the GAC's requirements in every aspect. As an example, the requirement for data accuracy in the 慈善(.charity) gTLD will be 90% + accuracy and registrars with less than 80% WHOIS data accuracy will be in breach of agreement. The data verification requirements anticipate and exceed those set out in the recently published 2013 RAA.

Standards of data accuracy and abuse monitoring in 慈善(.charity) will far exceed that seen in the current gTLD environment. Senior officers from the applicant, and the registry backend provider have been closely involved in running CNNIC for many years, and have successfully road tested many of the processes set out in the application. The applicant also recently strengthened its leadership team through the recruitment of a Head of Policy and Compliance who held a senior position with ICANN Contractual Compliance for many years.

Quality and consumer protection will be at the heart of the entire domain name lifecycle, including:

- Registrant eligibility criteria, to ensure affiliation with relevant charities.
- Validation of WHOIS data prior to registration; validation of registrant email in grace period.
- Post-registration data quality checking.
- Real time abuse mitigation processes in collaboration with law enforcement, with appeal mechanisms to safeguard registrant privacy and fundamental rights.
- Full compliance with ICANN consensus policies eg on third party rights protection.
- Consequences of failure to meet requirements are fully set out and include cancellation or suspension of domain names; breach of registrar accreditation agreement.

Background – The 慈善(.charity) gTLD, the charitable sector and Internet environment in Chinese language communities

The 慈善(.charity) gTLD will create a trusted space for the charity sector in Chinese speaking communities. The sector is emergent, and despite substantial corporate social responsibility donations by large corporations (see www.e-chinalife.com/about-us/commonweal.html), the

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formation of stand-alone charities has been, to date, comparatively rare. For example the ONE charity has recently become established in China.

The 慈善(.charity) gTLD is one of 130+ of new gTLD applications for internationalised domain names. By creating a namespace in the mother-tongue of its target users, the 慈善(.charity) gTLD will benefit Chinese speaking Internet users who will be able to read, understand and memorise domain names in the 慈善(.charity) gTLD more easily than equivalent Latin-script domain names. The applicant has the benefit of being led by one of the pioneers of internationalised domain names, James Seng.

There are numerous safeguards to ensure that the 慈善(.charity) gTLD will be trustworthy: the price will be higher than other “open” style gTLDs, and eligibility criteria will ensure that registrants that hold themselves out as charities through their 慈善(.charity) domain names will be entitled to do so. The application for 慈善(.charity) gTLD is conservative in its projections of domain name registration volumes (just 9,800 by year 3) reflecting the minority interest, and selective nature of this domain.

The 慈善(.charity) gTLD is targeted at Chinese speaking Internet users primarily in China. We anticipate there are also Chinese speaking Internet users in Hong Kong, Macao, Taiwan, Singapore and Malaysia that may have a use for 慈善(.charity).

With growing wealth in China and the emergence of Chinese multi-national companies, Chinese citizens and corporates are more willing to contribute to charitable good causes. Unfortunately, regulation of charities is still in its infancy and hence, many of the developed-country assumptions about the environment do not apply.

Therefore, the applicant sees the 慈善(.charity) gTLD as one element of many which will help the development and coordination of the emerging charity sector in China.

Building relationships with key stakeholders in an emerging sector

The charity sector in China is not as long-established as in developed countries. Not only are charities themselves a relatively new phenomenon, but the country also lacks the legal and regulatory protection of charitable institutions, and civil society has not yet developed interlocutors such as the NGOs and volunteer representatives which are part of the charitable ecosystem in the West.

The applicant of the 慈善(.charity) gTLD sees its role as helping to support the emerging charitable sector. To this end, it is already reaching out to newly-established Chinese charities, and building relationships with them. As NGOs, regulators and other relevant organisations emerge, the applicant will proactively work to build dialogue with them. This will ensure that the policies of the 慈善(.charity) gTLD will be sensitive and responsive to the needs of all stakeholders in the relevant markets.

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Detailed response to GAC safeguard advice

Overarching principles

1. Registrant rights and due process

The application for 慈善(.charity) contains numerous anti-abuse and data accuracy mechanisms, but in every case, registrant rights are also safeguarded. For example, the real-time abuse monitoring system which enables phishing sites to be taken down with immediate effect provide an appeal mechanism for registrants, and for the restoration of the domain name once the harm has been mitigated (see application paragraph 28.3.2.5).

2. Respect all substantive and procedural laws under the applicable jurisdictions

Balancing numerous applicable laws is challenging in all Internet environments. The target market of 慈善(.charity) will be Chinese speaking Internet users in China but as with any Internet issue, the user-base will not be limited by jurisdiction or geography. Therefore, in keeping with the applicant's Public Interest Commitment, and vision of the 慈善(.charity) as a trusted space for the charitable sector, the applicant views the balancing of applicable laws as an ongoing challenge. This will require careful consultation with relevant stakeholders prior to launch, and throughout the life-time of the 慈善(.charity) gTLD.

Specific mechanisms for handling applicable law issues include:

- The applicant will evaluate the effectiveness of registration eligibility criteria, and the criteria to trigger emergency suspension of domain names in response to requests from law enforcement. Policies will need to balance the legal requirements of different jurisdictions which are relevant to the charity sector, at a minimum those of the target markets (China, Hong Kong, Macao, Taiwan, Singapore, Malaysia).
- As described in the Applicant's PIC, eligibility criteria for the 慈善(.charity) gTLD will be subject to 60 days' public comment, during which governments are invited to highlight additional elements arising from applicable laws in their jurisdiction. Additional requirements so highlighted will be implemented within 180 days.

3. Be operated in an open manner consistent with general principles of openness and non-discrimination

Adherence to this principle is vital to building and maintaining trust in the 慈善(.charity) gTLD. The 慈善(.charity) gTLD will operate in an open and non-discriminatory manner, as befits its vision of creating a trusted and intuitive space for Chinese-speaking communities to interact with charity activities.

Safeguards applicable to all new gTLDs

1. WHOIS verification and checks

The applicant is confident that it meets or exceeds the GAC requirements for WHOIS verification and checks.

The relevant paragraphs of the applicant's application are:

- Paragraph 26 – WHOIS system requirements.

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- Paragraph 28.2.3 – WHOIS accuracy requirement.

As well as the standard registrant’s warranty for data accuracy, the application sets out numerous additional steps to ensure data accuracy, which **exceed** the GAC requirements on WHOIS:

- Data checking at least twice a year. The 慈善(.charity) gTLD will exceed this requirement. Random inspections on WHOIS information will be done on a **daily basis**, through the sending of verification emails. Failure by the registrant to respond will result in the suspension or cancellation of the domain name.
- Annual evaluation processes for registrars (see “Compliance Requirement for Registrars, application paragraph 28.2.3) will require greater than 90% accuracy levels. Those with below 90% accuracy levels will receive a warning; those with 80% or lower will be in breach of their registrar agreements. The accuracy requirements compare favourably to the currently low levels of WHOIS accuracy under .com and other gTLDs, which according to a study commissioned by ICANN in 2009 show that only 23% of records are fully accurate.

Over and above the GAC requirements and the proposed 2013 RAA, the 慈善(.charity) gTLD will require validation of registrant data **prior** to registration. Incomplete WHOIS information at the point of registration will result in the application being rejected. Email addresses will be verified by registrars within a 5 day grace period. A lack of confirmation from the email will result in the suspension or cancellation of the domain name without refund. Signed copies of the registration agreement (by the registrant) will be required. For individuals, a copy of passport or photo ID is required, and a business certificate for organisations.

Further, the applicant will require its registry services provider to carry out random inspections of WHOIS information on a **daily basis**. It will send out emails to the registered email address to ask for verification. Inaccurate data will be reported to the applicant. The applicant will then require the registrant to update its records within 10 working days. Failure to do so may result in the domain name being suspended or cancelled.

The applicant’s staff, through their experience with CNNIC, have track records of successfully running similar verification processes under .cn.

2. Mitigating abuse activity

The applicant is confident that it meets or exceeds the GAC requirements for WHOIS verification and checks. As stated in paragraph 28 of the application, “The applicant will not tolerate any abuse of the domain names under its management”.

Contract terms for the 慈善(.charity) gTLD prohibit malware, botnets, phishing, and pharming, and give the registry the right to deny, cancel or transfer any registration or transaction or place any domain names on suspension, takedown or similar status to prevent or mitigate domain name abuse (see application paragraph 28.1.2).

Rights protection mechanisms required by the ICANN processes are fully provided for in the 慈善(.charity) gTLD, for example PDDRP, RDRP, URS, UDRP, Sunrise and Trademark Claims.

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3. Security checks

As described in the applicant's PIC, the applicant will carry out on-going compliance monitoring including:

- Routine zone file scanning designed to detect possible registration abuse. The scanning includes Whois accuracy, suspicious activity or other anomalies.
- A 24/7 DNS resolution activity monitoring service. Any change of DNS server or IP addresses or abnormal activities in the DNS resolution will trigger an alert in the monitoring system and will lead to further investigation in accordance with the applicant's anti-abuse policies.

In addition, paragraph 28 of the application forms part of the PIC submitted by the applicant.

As described in 28.1.3 of the application, the applicant will establish the following anti-abuse mechanisms:

- A single point of contact at the 慈善(.charity) gTLD registry for the filing and handling of abuse complaints.
- A team to respond to reports of malicious conduct.
- All accredited registrars and resellers will be required to set up a liaison with the registry for abuse mitigation.

Paragraph 28.2 of the application sets out numerous anti-abuse mechanisms including Reserved lists; Access control, ie security processes to be followed on domain name transfers which are designed to prevent hijacking of domain names; Policy on orphan glue records to prevent malicious conduct through abuse of glue records.

Paragraph 28.3 of the application sets out Abuse Mitigation Mechanisms, both for registration abuse (28.3.1) and use abuse (28.3.2).

The registration abuse mechanism will work on a complaint basis (reactive). On receipt of a complaint, the applicant will place the domain on registry lock, and if satisfied that the grounds of complaint are made out, will immediately take down the domain name. Notice of breach will be sent to the registrar and registrant.

The use abuse mitigation mechanism is set out in paragraph 28.3.2. It will involve close cooperation with law enforcement agencies, and result in suspension of domain names associated with harmful activity. Appeal mechanisms will safeguard the fundamental rights of registrants from potential harm, and there is provision for the restoration of domain names within 4 hours of remediation.

Further, paragraph 28.3.4 sets out anti-abuse collaboration with partners, which can be summarised as:

- Partnership with ICANN – prompt implementation of consensus policies.

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- Partnership with law enforcement and security providers – to identify and take down domain name abuse incidents, subject to appropriate checks and balances to safeguard registrant fundamental rights.

4. Documentation

The applicant is happy to confirm that it will maintain full reports on WHOIS accuracy, security threats and actions taken as a result of periodic checks for the full term of the contracted period and provide the reports to ICANN on request in connection with contractual obligations.

5. Making and handling complaints

The mechanisms are set out in the applicant's response to question 3 above.

6. Consequences

The answers above set out the obligations, processes for reactive and proactive monitoring and the real consequences to both registrars and registrants who are found to be in breach.

The mechanisms described in the application and PIC and summarised above will require substantial resources, and paragraph 28.3.4 of the application sets out appropriate resource plans. Resources include a team of 20 staff at the registry service provider dedicated to reviewing WHOIS accuracy. Senior staff at the applicant and registry services provider have real world experience of implementing similar, proactive data validation and abuse mitigation within the .cn domain.

Consumer protection, sensitive strings and regulated markets

It is emphasised that the regulatory environment for charities within South East Asia in general and China in particular is still emergent. The GAC advice appears to assume that, for example, the charity sector in China is subject to similar or the same regulatory environment as in developed countries. This is not the case.

Nevertheless, the applicant's intention is that the 慈善(.charity) gTLD will fully meet regulatory requirements applicable in the target markets, and, further, will exemplify best practice in industry self-regulation. The application demonstrates the applicant's commitment to data quality and abuse mitigation throughout the domain name lifecycle.

1. Acceptable use policy

The applicant confirms that its acceptable use policy will require registrants to comply with all applicable laws including those that relate to privacy, data collection, consumer protection and disclosure of data (others in the GAC list do not appear to apply to the 慈善(.charity) gTLD). At least two jurisdictions within the target market, Taiwan and Hong Kong, have extensive privacy laws which are modelled on EU Data Protection laws. These will form the basis of the acceptable use policy .

2. Informing registrants of contractual requirements

The applicant confirms that registrars will be required to inform registrants of all relevant contractual requirements at the time of registration.

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3. Appropriate security measures for sensitive personal data

The applicant confirms that it will require registrants who collect or process sensitive personal data to take appropriate security measures to safeguard individuals' privacy in compliance with applicable laws.

4. Working relationship with relevant regulatory or self-regulatory bodies

As explained above, the regulatory environment for charities in China and the target market for the 慈善(.charity) gTLD is emergent. Therefore we see the 慈善(.charity) gTLD as a mechanism to foster the development of the charitable sector in China and other target markets. The 慈善(.charity) gTLD will establish dialogue with relevant stakeholders eg charities in China, law enforcement, the domain name industry, volunteers or NGOs as the charitable sector develops and matures.

5. Registrant single point of contact for abuse reporting

The applicant confirms that it will require a registrant single point of contact for abuse reporting.

As a practical point, the applicant believes that the rigorous WHOIS data checking and validation throughout the lifecycle of domain names within the 慈善(.charity) gTLD will provide far better, and tested, responsiveness from registrants than exists in established gTLDs.

6. Registrant eligibility verification

The applicant confirms that it will verify and validate each registration application against eligibility criteria to ensure that registrants that hold themselves out as charities through their 慈善(.charity) domain names are authorised or entitled to do so.

7. Consult with supervisory authorities

The applicant confirms that it will consult with relevant national supervisory authorities or their equivalent in case of doubt with regard to the authenticity of licenses or credentials.

8. Periodic post registration checks

As described in the applicant's application and PIC, the applicant will carry out on-going compliance monitoring to detect potential registration or use abuse. In addition, the applicant confirms it will conduct period post-registration checks to ensure registrants' compliance with the eligibility criteria and applicable laws and regulations.

Conclusion

The applicant's objective in founding the 慈善(.charity) gTLD is to provide a trusted and intuitive space for Chinese-speakers to interact with charity. This is an emerging sector within China and other target markets, and therefore the applicant lacks the professional interlocutors that may exist in developed countries.

Building close relationships with relevant stakeholders will ensure that the 慈善(.charity) gTLD crafts policies and monitors implementation in a way that meets and anticipates the needs of customers and other stakeholders in this emerging market.

The track records of senior staff at the 慈善(.charity) gTLD through CNNIC and ICANN demonstrate that the measures proposed in the application are achievable, and that the applicant will not hesitate to make tough decisions – such as the cancellation of a domain name, or the termination of registrar accreditation – where circumstances require.

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Through the implementation of eligibility criteria for registrants, comprehensive measures to ensure and maintain data quality, and mitigation of harmful registration or use, the applicant is confident that the 慈善(.charity) gTLD meets or exceeds the GAC's safeguard advice in every respect. The applicant is committed to working with all stakeholders, including the GAC, to bring the vision of the 慈善(.charity) gTLD to fruition, as a trusted resource for Chinese-speaking online communities.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Phys Biz Pty Ltd
Application ID	1-967-85854
Applied for TLD (string)	.physio

Response:

I wish to comment on the Governmental Advice Committee (GAC) Communiqué from Beijing, 11 April 2013; specifically, the information in Section IV 1 b and Annex I.

The GAC has identified a number of strings and labelled them category 1, on the basis that they “...are likely to invoke a level of implied trust from consumers and carry higher levels of risk associated with consumer harm”. Furthermore the GAC has identified some strings within category 1 that need to “...address specific risks and to bring their registry policies in line with arrangements in place offline.” The GAC proposed further targeted safeguards for these strings at points numbered 6, 7 and 8, such as

6. verification and validation of registrant’s authorisations, charters, licenses and/or other related credentials;
7. consultation with national supervisory authorities in cases of doubt with regard to authenticity of licenses or credentials; and
8. implementation of periodic post-registration checks to ensure registrants validity and compliance.

My applied-for string .physio was listed in the category 1 strings within the health and fitness subgroup. This subgroup group was also identified as one requiring the further targeted safeguards at points 6, 7 and 8. My comments on these points will be restricted to the physiotherapy profession and my experience with physiotherapist and health practitioner regulation in Australia and internationally, however I expect they may be extrapolated across all category 1 strings.

I believe the GAC’s proposed additional safeguards are simplistic and have the potential to be impractical and burdensome to the point of impacting upon the viability of the .physio gTLD. Furthermore I propose that there is no evidence to support the GAC’s position.

Modern governments have moved to regulate health professionals rather than health professions. That is, they protect the health professional's title, eg. 'physiotherapist', rather than what the health professional does, eg. 'physiotherapy'. Therefore any non-registered person may do 'physiotherapy' but only registered physiotherapists may hold themselves out to be a 'physiotherapist'. Subsequently, in jurisdictions where health regulation is present, in the main, only physiotherapists are registered. Yet the physiotherapy community is broader than just physiotherapists. This is recognised world wide by physiotherapy professional associations that actively encourage membership by students, assistants/aids and affiliates.

The physiotherapy community is also broader than individual persons. Hospitals, clinics, businesses, universities, colleges, associations and a myriad of goods and services industries supply, support and participate within the community. The people working in those organisations are not necessarily physiotherapists, yet they are a valuable part of, and contributor to, the physiotherapy community.

If the GAC advice at points 6, 7 and 8 were to be followed, great parts of the physiotherapy community would be excluded from participation in the .physio gTLD.

Physiotherapists work in jurisdictions with a broad range of regulatory approaches, including government regulation, self regulation, quasi-regulation, co-regulation and no regulation. Verification, consultation and post-registration checks may be impossible to do in some jurisdictions as they may be no "national supervisory authority" with whom to consult. Are these physiotherapists to be excluded?

In contrast, the number of jurisdictions that do have physiotherapist regulation is great, for example, the United States of America and Canada have separate regulatory authorities for every state, province and territory. Communicating with each authority would create costs and delays that would severely diminish the ease with which potential registrants could register their second level domain names; to the point of making the .physio gTLD unviable. Furthermore, as one of nearly 2,000 registries competing for the services of registrars it would be very difficult to be attractive if the safeguards proposed by the GAC were in place.

Finally, to date the term 'physio' has been used, unchecked, in domain names to the left of the dot without any evidence of "...higher levels of risk associated with consumer harm". The GAC is suggesting that by simply shifting the term 'physio' to the right of the dot the risk associated with consumer harm will be increased. I would propose that the development of the .physio gTLD will only reduce the risk of harm because there is now, at least, one checking authority that has a vested interest in maintaining the integrity of the term 'physio'.

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Respondent:

Applicant Name	Kanton Zürich (Canton of Zurich)
Application ID	1-968-87792
Applied for TLD (string)	zuerich

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué."

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a Government Body and Public Authority - with rights to the recognized brand "Zürich" (Logo and Claim: "World Class. Swiss Made."), we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLD(s) will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further generally support new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	dotHIV gemeinnuetziger e.V.
Application ID	1-971-90747
Applied for TLD (string)	HIV

Response:

dotHIV comments on GAC Beijing Communiqué

dotHIV gemeinnuetziger e.V. (dotHIV), an Applicant for the .hiv TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

dotHIV supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLD's in a safe, secure and responsible manner, and we respect the GAC's desire for additional protections in certain categories of strings.

However, we believe our application has been erroneously included in the Communiqué's "Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets", sub-category "Health and Fitness." We are specifically concerned this erroneous inclusion in Category 1 might delay the delegation process of dotHIV and therefore kindly request to reconsider this categorization.

As explained in our application, dotHIV will not operate in the Health and Fitness subcategory of Regulated Markets. dotHIV will NOT deliver medical/fitness services of any kind, nor will we offer advice on medical/fitness issues.

Rather, dotHIV is organized as a charity under German law, with a mission to raise both awareness of and funding for the global fight against AIDS. As a designated German charity organization, dotHIV is under the competent jurisdiction of the German government and is required to abide by all the regulations and requirements attendant to registered charity organizations in Germany.

Please allow us to provide some explanatory information on the nature of our application and the organization behind it:

GAC Advice Response Form for Applicants



1. Our application envisions .hiv as a global resource designed to help fight AIDs by tapping the power of both the Internet itself and Internet users. The .hiv TLD registry is designed to serve this social cause and its related affected communities. It's guiding reference in the offline world is the Red AIDS Ribbon, a universal symbol of solidarity that is well understood and accessible around the globe.

2. The .hiv TLD will be an open TLD. .hiv domains are designed as an inclusive and universal tool for online identity for everyone that has affinity for the fight against AIDS - be it by emotion, the nature of their work, involvement in the cause, or simply in solidarity with those afflicted. Eligible registrants include companies, public and civil society organizations, geographic entities, celebrities, activists and others. No nexus or pre-qualification requirements apply; registrants will self select. We conceive ourselves as a means to raise funds and awareness for the global HIV response. As the network of .hiv websites and users grows, dotHIV will have an ever broader and more positive social impact.

3. A key innovation by dotHIV is our built-in micro-donation program, through which dotHIV transfers all economic surplus to HIV project work. The promise to the Internet User: Every visit on a .hiv-website will trigger a small donation and supports an important social cause. Through this innovative model, .hiv domain names will get charged with social identity and directly and tangibly support the fight against AIDS, expand awareness and motivation to act, and provide ALL internet users a means to easily and quickly contribute to the solution of one of the biggest humanitarian challenges of our time. dotHIV has already submitted a Public Interest Commitment (PIC) agreeing to reinvest all excess profits into projects serving the mission of the TLD: to support the global HIV response.

4. dotHIV marketing activities will position .hiv domain names as an innovative tool for AIDS philanthropy and affinity. Over time, .hiv domains will be seen as a key part of an open, online social movement dedicated to eradicating AIDS.

5. dotHIV is supported by a wide range of experts in the many areas needed to ensure the success and social responsibility of the venture. Within the TLD-sphere, we have established long term partnerships with high-quality service providers (including Afiliats, NCC Group, Sedo). To guide our charitable activities, we work closely with leading HIV organizations and members of the affected communities, including an international expert advisory pool and a continuous consultancy relationship with Deutsche AIDS Hilfe e.V., Europe's biggest and leading HIV-related umbrella association.

Given the above, we believe strongly that our application should not be listed in "Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets", sub-category "Health and Fitness." Beyond the requirements of German charities, dotHIV is not operating within a regulated industry, does not offer or provide medical products or services of any kind, and is not associated with fitness products or services. Rather, .hiv is an open TLD dedicated to charitable work that contributes to winning the fight against AIDS, and we believe that no consumers will associate our activities with those of an entity in any regulated space (except charity).

dotHIV understands the need for adequate consumer protections upon the deployment of new TLD's, and we believe our application for the .hiv TLD meets or exceeds ICANN's requirements in

GAC Advice Response Form for Applicants



this area (for details on how we plan to handle abuse, including a dedicated point of contact, and an extensive strategy on reserved sensitive names, see answers to Questions 18(b)(iv) and 28 of our application). Also, dotHIV, in its efforts to provide for a safe and secure online experience of users of the .hiv namespace, liaise with relevant bodies and initiatives promoting the safer use of services of the information society. As a member of eco Verband der deutschen Internetwirtschaft e.V., dotHIV will e.g. participate in eco's tip line taking complaints from the general public about illegal use and content on the Internet, which is part of the INHOPE network.

Given the complex social environments we serve and the importance of AIDS, we take the special responsibility of creating and operating the .hiv namespace very seriously.

Thank you for the opportunity to comment on this important topic.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Merck KGaA
Application ID	1-980-7217
Applied for TLD (string)	merck

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Merck KGaA
Application ID	1-980-60636
Applied for TLD (string)	emerck

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

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Respondent:

Applicant Name	Celebrate Broadway, Inc.
Application ID	1-994-4128
Applied for TLD (string)	.broadway

Response:

Celebrate Broadway, Inc. submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Fédération Internationale de Basketball (FIBA)
Application ID	1-994-9184
Applied for TLD (string)	.BASKETBALL

Response:

The Fédération Internationale de Basketball, applicant for .BASKETBALL, appreciates this opportunity to provide comments to the ICANN Board regarding the GAC Advice set forth in the Beijing Communiqué. The recommendation enumerated by the GAC in Section IV(1)(e) – Community Support for Applications recognizes the significance of prioritizing applications that have worldwide community support:

e. Community Support for Applications - The GAC advises the Board: (i) that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

FIBA fully supports the GAC's recommendations and strongly requests adoption by the ICANN Board.

The consideration of community support as a prioritizing factor in the new gTLD process was initially highlighted back in November 2012 through the Early Warning process. Two governments (UK and Greece) issued Early Warnings advising the prioritization of applicants that have their own community world governing body (such as FIBA) and that have demonstrable support from their respective communities over competing applicants with neither the support of nor any affiliation to such community (See GAC Early Warnings – November 21, 2012). These GAC members recognized that these particular community applicants were best-placed, as trusted and respected representatives of their communities, to ensure responsible and measured growth for these new gTLDs. Now the entire GAC agrees that the communities' opinion must play a prominent role in this process, particularly where the string is part of a contention set.

GAC Advice Response Form for Applicants



In our case, FIBA is the world governing body for the sport of basketball, formed by 213 national federations throughout the world. Its mission is to develop and promote the game of basketball as well as unite the global basketball community. Our global basketball community has repeatedly voiced its opinion on multiple fronts throughout this new gTLD process. Through public comments to ICANN, letters to GAC members, and support in the objection process, the basketball community clearly prefers FIBA (as the world governing body) to be the trusted steward of the .BASKETBALL string. Most importantly, the community expressed significant concern and objection to entrusting the competing applicants (with no affiliation to basketball) with the development and growth of this new domain space. Failure to consider these valid concerns and to allow applicants with no community support and in fact, significant opposition to delegation of the string, threatens the integrity of the new gTLD process. It diminishes the importance of the communities' opinions and dissuades current and future world governing bodies from seeking expansion in the new gTLD arena.

FIBA urges the Board to heed the GAC's Advice and strongly consider the communities' recommendations in the new gTLD delegation process.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	IRB Strategic Developments Limited
Application ID	1-994-63638
Applied for TLD (string)	.RUGBY

Response:

The International Rugby Board (IRB), applicant for .RUGBY, appreciates this opportunity to provide comments to the ICANN Board regarding the GAC Advice set forth in the Beijing Communiqué. The recommendation enumerated by the GAC in Section IV(1)(e) – Community Support for Applications recognizes the significance of prioritizing applications that have worldwide community support:

e. Community Support for Applications - The GAC advises the Board: (i) that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

The IRB fully supports the GAC's recommendations and strongly requests adoption by the ICANN Board.

The consideration of community support as a prioritizing factor in the new gTLD process was initially highlighted back in November 2012 through the Early Warning process. Two governments (UK and Greece) issued Early Warnings advising the prioritization of applicants that have their own community world governing body (such as the IRB) and that have demonstrable support from their respective communities over competing applicants with neither the support of nor any affiliation to such community (See GAC Early Warnings – November 21, 2012). These GAC members recognized that these particular community applicants were best-placed, as trusted and respected representatives of their communities, to ensure responsible and measured growth for these new gTLDs. Now the entire GAC agrees that the communities' opinion must play a prominent role in this process, particularly where the string is part of a contention set.

GAC Advice Response Form for Applicants



In our case, the IRB is the world governing body for the sport of rugby, with a membership of 118 national federations and over 5.5 million players worldwide. Our mission is to globally promote the sport of rugby, its development and growth and its social and character building values. Our global rugby community has repeatedly voiced its opinion on multiple fronts throughout this new gTLD process. Through public comments to ICANN, letters to GAC members, and support in the objection process, the rugby community clearly prefers the IRB (as the world governing body) to be the trusted steward of the .RUGBY string. Most importantly, the community expressed significant concern and objection to entrusting the competing applicants (with no affiliation to rugby) with the development and growth of this new domain space. Failure to consider these valid concerns and to allow applicants with no community support and in fact, significant opposition to delegation of the string, threatens the integrity of the new gTLD process. It diminishes the importance of the communities' opinions and dissuades current and future world governing bodies from seeking expansion in the new gTLD arena.

The IRB urges the Board to heed the GAC's Advice and strongly consider the communities' recommendations in the new gTLD delegation process.

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Respondent:

Applicant Name	BRS MEDIA, Inc.
Application ID	1-994-75477
Applied for TLD (string)	.radio

Response:

BRS MEDIA, Inc. submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

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Respondent:

Applicant Name	Entertainment Names Inc.
Application ID	1-994-99764
Applied for TLD (string)	.music

Response:

Entertainment Names Inc. submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

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Respondent:

Applicant Name	SPIEGEL-Verlag Rudolf Augstein GmbH & Co. KG
Application ID	1-997-40034
Applied for TLD (string)	spiegel

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

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Respondent:

Applicant Name: **STARTING DOT**
Application ID: **1-1000-94806**
Applied for TLD: **BIO**

Response:

Starting Dot wishes to thank the GAC for its GAC Advice to the Board of Directors of ICANN dated April 11, 2013, and in particular for designing additional Safeguards for new gTLDs. These newly-devised Safeguards seek heightened accountability for those new gTLDs involved for instance with issues of consumer protection and regulated sectors, such as Starting Dot's new gTLD application BIO (the short form ‘bio’ conveying ‘organic food and farming’ in 10 European languages).

The GAC Advice, in Section IV – 1 – b, has issued Safeguard Advice on New gTLDs. The BIO application is included in Annex 1 in the Category 1 list of specific new gTLDs under the Environmental category of new gTLDs, along with the applications EARTH, ECO, GREEN and ORGANIC.

These additional Safeguards advised by the GAC are in line with the thrust behind the Registry Policy of the BIO application to create a safer DNS space as a bridge between the DNS and existing regulations. This Registry Policy has been revised and developed hand-in-hand with the global umbrella organization for organic food and farming IFOAM (International Federation of Organic Agriculture Movements, including over 700 member associations from over 100 countries – www.ifoam.org).

1. BIO: multiple meanings for a single term

BIO is a short form with multiple meanings depending on the language, for instance :

- in English: biography, biology, biochemistry, biofuels, biodegradable, biotechnology and many other forms of life sciences;
- in German, French, Italian, and 7 other European Union languages: organic food and farming (biologische Landwirtschaft; agriculture biologique; agricoltura biologica ...), biology, and many forms of life sciences as mentioned above for English ;
- in Danish: movies.

From March 27 to April 2, DECIPHER Inc., a US based comprehensive market research services firm, has conducted on behalf of Starting Dot a survey on three samples totaling 800 individuals over 18 years of age and representative of the population of the USA, France and Germany, concerning their first understanding of the meaning of the short form 'bio' in either English, German or French.

The table of results (detailed in Appendix 1) shows that the term 'bio' has a different meaning in the USA and in continental Europe. In France and Germany, 'bio' is mostly understood to mean 'organic food and farming'. In the USA, 'bio' mostly relates to 'biology' and 'biography' (70% of respondents), and means 'biotechnology' as first meaning for only 10% of the respondents.

To take into account the diversity of potential uses, the BIO application has taken a practical common sense approach to a polysemantic (i.e. multiple meaning) term and has developed policies accordingly.

2. The BIO new gTLD: a technical resource

Among all the various meanings of the short form 'bio' in many languages, the meaning related to a regulated sector with related consumer protection and environmental issues as stated by the GAC Advice is the meaning of organic food and farming.

The BIO new gTLD is a technical resource providing information, for which Starting Dot as the upcoming registry operator will be responsible for specific, but limited, enforcement policies: registrant eligibility, enforcement of registrar and registrant obligations, security and abuse mitigation. However, the registration, and mainly the use, of a domain is the sole responsibility of the registrant. Specific laws have established safe havens for registry operators relative to domain content (EU Directive, Millenium Act). To such extent, Starting Dot as upcoming registry operator of BIO remains first and foremost a technical resource for the benefit of internet users in order to easily access domains and web sites, via servers, by using easy-to-use names instead of a long series of numbers.

In order to highlight the limited, albeit crucial, enforcement requirement of Starting Dot as upcoming registry operator of the BIO new gTLD, there are currently 847 million webpages containing the keyword 'bio' (search results on a Google request, April 26, 2013) without any specific policy requirements apart from the usual legal and regulatory framework regulating the World Wide Web: this framework includes publisher terms of use referring to national

laws related to communication, information, consumer protection, data privacy and host responsibility and again, laws having established safe havens for registry operators relative to domain content (EU Directive, Millenium Act). Any publisher currently displaying misleading information related to consumer protection (in particular for organic food) could today be the recipient of a lawsuit based on existing regulations that govern illegal material posted on the internet.

The proposed BIO new gTLD is a technical resource for the Internet, allowing website publishers and email users to use specific internet addresses ending with the '.bio' extension.

Therefore, and regarding the organic food and farming regulations, the BIO new gTLD is not disrupting the very efficient set of laws and ethics for online publishers.

3. The Organic Agriculture Movement supports the BIO new gTLD application

The International Federation of Organic Agriculture Movements (IFOAM) is the umbrella organization for the organic sector worldwide. Since 1972, IFOAM has defined, convened, represented, educated, and advocated an organic approach to life for producers, consumers, traders, policy makers, researchers, and communities.

IFOAM is a membership-based organization with over 750 members and representation from over 115 countries, with a respected standing with governments, and partnerships with intergovernmental agencies such as FAO and UNCTAD, among others. IFOAM's work has been the foundational piece of most organic standards and markets worldwide. Its formal positions on policy and governance, science and technology, and ecological and socioeconomic practices have been and continue to be the formative guidance adopted by the organic sector.

Starting Dot, following the GAC Early Warning issued by France and a Public Comment by IFOAM, has substantially interacted with IFOAM over the last six months. This interaction has led to the inclusion of many, if not all, suggestions made by IFOAM in order to define the most appropriate Registry Policy for BIO taking into account both its many meanings and its regulated nature in the food and farming sector. This revision to the Registry Policy was incorporated in a Change Request to the BIO application submitted to ICANN on February 28, 2013 (Appendix 2 – BIO new gTLD Application Change Request). As of May 6, 2013, Starting Dot is expecting the status of this Change Request shortly, for Public Comment.

The support of IFOAM to the BIO application has been communicated on February 5, 2013 via two letters, the first to the GAC and many GAC country members, the second specifically to the European Union members both of the GAC and of the Directorate General for Agriculture (Appendix 3 and 4).

In addition to the support from IFOAM, the BIO application also received the support from two European Parliament members (Appendix 5).

Starting Dot is developing a multi-stakeholder model of the BIO new gTLD self-governance clearly inspired by the ICANN model itself, thanks to the diversity of IFOAM's membership,

as diverse as the organic world itself, including affiliates and action groups representing a wide diversity of constituencies participating in the organic movement:

- 750 Affiliates from 115 countries around the world,
- Strategic Partners like the United Nations UNCTAD, FAO, FiBL, BioFach....,
- Regional bodies (EU, Mediterranean, France, Middle East/North Africa, Asia, Japan, Latin America and Caribbean)
- Sector-specific groups (farmers, aquaculture, amenity agriculture, animal husbandry, science/research, consultants, retailers, trade).

Concerning consumer protection and organic farming applicable laws, Starting Dot has taken into account the concerns of regulators and of IFOAM. Both Starting Dot and IFOAM agree that market claims must be in compliance with all relevant regulations. Controls are already in place by relevant regulatory authorities, and these are continually being improved. IFOAM works closely with governmental bodies in this regard to safeguard the credibility of organic products in the market and to assure ongoing consumer confidence in products and product-based services that carry organic claims.

IFOAM has mechanisms in place to distinguish between credible organic products and related claims, namely through its Organic Guarantee System, (available at www.ifoam.org/about_ifoam/standards/ogs.html) which evaluates and recognizes organic standards/regulations and their respective verification systems. This framework is largely and increasingly inclusive of the regulated organic market and has become the de facto baseline determinant of what is organic in any given regulated market and what is not. That said, not all regulations and standard systems recognize one another; trade barriers still exist. Whether an organic product approved in one market is eligible for sale in another market is an ongoing and evolving question.

Starting Dot, in conjunction with IFOAM, has classified each nation into one of three levels of existing organic regulations (detail attached as Appendix 6):

- Nations with fully implemented regulations (68 nations);
- Nations with finalized regulations but not yet fully implemented (19 nations);
- Nations in the process of drafting regulations (24).

To date, less than half of all nations have fully implemented organic regulations.

The regulation of product flow, when existing, is clearly in the hands of a local, national or regional authority, and its designated agents. In summary, the GAC and ICANN should rest assured that Starting Dot and the BIO gTLD will be a positive support in upholding government regulations about organic products and related consumer protection objectives, through IFOAM's framework and tools, and active participation and oversight by IFOAM and other organic movement participants in the regulation and administration of the BIO gTLD.

However important regulations and certification – and indeed, marketing of organic products in general – are for consumer protection, certification is only a part of the community that identifies itself as organic. IFOAM considers, and Starting Dot has issued a Change Request based on this consideration, that the organic movement, and therefore the registration criteria for the BIO new gTLD, should not be restrictively defined as the addition of or compliance to national or international laws, regulations or standards about products placed on the market. Indeed, not all organic producers choose to market their products as organic,

even if they meet the letter of a relevant regulation or standard. Science and related research, political advocacy, education and awareness raising, consultancies, and informational exchange, among others, are activities common in the organic sector, and these often have nothing directly to do with the marketing of products, yet they are nonetheless vital to the health and progress of the organic movement and its markets.

Finally, certification relates to a given food and farming product, (for instance, apples) and not to a potential registrant, the farmer or farm itself.

With this broader perspective in mind, IFOAM has defined principles for organic agriculture and its value chains globally and, after a three-year multi-stakeholder process, IFOAM and its members finalized in 2005 the Principles of Organic Agriculture, or POA (attached as Appendix 7, and available on line at http://www.ifoam.org/about_ifoam/principles/index.html, currently available in 19 different languages). The POA are core criteria against which IFOAM evaluates the legitimacy of any organic standard or regulation (through the Organic Guarantee System), or for any other activity or entity.

The POA also are the foundation of IFOAM's Best Practice Program, which addresses a full spectrum of sustainability issues and broadens the scope and responsibility of the organic movement and its actors beyond the scope currently covered by existing laws. The Best Practice Program is the leading edge of the organic movement's trajectory going forward and will help guide the organic movement and the adoption of organic practices worldwide as society evolves. ICANN should bear in mind that the organic movement and markets are not static; evolution is relatively rapid. Starting Dot has aligned itself with IFOAM to assure that the credibility and relevance of the BIO gTLD can be maintained for the long term.

Starting Dot's Change Request, specifically in the ELIGIBILITY section of Question 18b iv), therefore states, based on the suggestion by IFOAM, that:

"the intent of Starting Dot is not to replicate existing organic regulations (which differ from country to country). Indeed, this would create unnecessary barriers to participation and would slow down innovation and the flow of information in the .BIO sectors. The intent is to be inclusive of all participants who actively advocate organic principles without necessarily seeking organic certification, and of registrants not related to agriculture, food and farming but related to other meanings of the short-form 'bio'."

In addition, the Change Request requires all registrants to create on the home page of their web site an HTML link to the Principles of Organic Agriculture:

- if the registrant is part of the food and farming sector, the link will indicate 'abiding by the POA';
- if the registrant is not part of the food and farming sector, the link will indicate 'not undermining the POA'.

It is based on this inclusive, yet principle-abiding approach that Starting Dot, together with IFOAM, consider that the BIO new gTLD best serves the public interest by fostering an innovative space for all meanings of the short form BIO, in particular but not only for the organic food and farming sector, by increasing consumer choice and by increasing competition within the TLD sector, while balancing the required safeguards for consumer protection in a regulated market.

4. The BIO new gTLD application is compliant with the GAC Advice

Starting Dot wishes to inform and explain here below why and how the BIO new gTLD application, including its Change Request, is compliant with the Safeguards that the GAC has defined in its Advice.

4.1. Safeguards applicable to, and required for, the BIO application

Of the five Safeguards Advised for new gTLDs included in Category 1 new gTLDs, one does not apply to the BIO application, namely Safeguard #3 which related to sensitive health and financial data.

The further GAC Advice within Category 1 defines three further targeted Safeguards under sub-paragraphs 6, 7 and 8, all of which are applicable to environmental new gTLDs, and therefore to the BIO application.

We will therefore respond to the seven Safeguards applicable to the BIO application, i.e. Safeguards 1, 2, and 4 through 8.

4.2. Compliance with Safeguards applicable to, and required for, the BIO application

Safeguard #1 - Compliance with applicable laws

Of the list of eight applicable laws for which compliance is required for new gTLDs in Category 1, we consider that only two are applicable to BIO, namely consumer protection and organic farming. The six other types of applicable laws (privacy, data collection, fair lending, debt collection, disclosure of data, and financial disclosures) are specific to other sectors such as finance and banking.

The BIO new gTLD application, both in its initial response to Question 18b iv) and in its Change Request to Question 18, clearly states in the ILLEGAL USE AND COMPLIANCE section that:

“When registering a secondary domain name in the .BIO TLD, it is of the registrant’s responsibility to be compliant with the applicable existing national and international regulations, if any. Use of a domain name that is barred or prohibited by law or legal proceeding in any jurisdiction, or is considered to be defamatory or does not meet the eligibility criteria, will permit Starting Dot to revoke the domain name. Policies to this end will be developed by the registry and published in due time prior to the Sunrise.”

Starting Dot will detail in the BIO new gTLD Registrant Terms and Conditions as part of the Registry Agreement (RA) the specific requirements for registrants of a .BIO domain name to comply with their national laws regarding consumer information, consumer protection and organic labeling.

With these policies, Starting Dot considers that it is in compliance with Safeguard #1.

Safeguard #2 – Registry to require that registrars notify registrants of required compliance with applicable laws

Starting Dot intends to accredit a limited number of registrars who will agree to focus on the multiple markets for BIO while abiding by its strict Registry Policy, via a strict Registry Registrar Agreement and with specific Registrant terms and conditions.

Registrars will be required, as part of the Registry Registrar Agreement of the BIO new gTLD, to abide by a registration procedure with mandatory opt-in of registrants to BIO-specific Registrant Terms and Conditions. The Terms and Conditions will be highlighted in a 50-100 word display located just above the validation link on the registration page. The display will inform every registrant of BIO Registry Policy's key elements, with a clickable link to the full Registry Policy and Terms and Conditions, including the requirement of the mandatory HTML link to the POA as described above.

With these policies, Starting Dot considers that it is in compliance with Safeguard #2.

Safeguard #4 – Establish a working relationship with relevant regulatory or industry self-regulatory bodies.

Starting Dot has agreed with IFOAM that IFOAM will participate in the BIO Registry Policy development and implementation. IFOAM defines itself as the only international umbrella organization of the organic world and is therefore the unchallenged self-regulatory body for organic agriculture. IFOAM has ongoing connections to and collaboration with governmental bodies worldwide for the promotion and quality assurance of organic production and markets. As just two small but recent examples, IFOAM's Executive Director gave testimony to the EU Commission in Brussels in late 2012 regarding the revision of the EU organic regulations, and a member of the IFOAM Standards Committee gave testimony in March 2013 at the USDA National Organic Standards Board meeting regarding a globally harmonized technical approach to specific production methods.

IFOAM and Starting Dot have signed an agreement dated March 1, 2013 detailing a mutually beneficial collaboration for the appropriate community use and profitable management of the BIO new gTLD. The agreement highlights IFOAM participation as Chair and nomination authority for the BIO new gTLD Policy Advisory Committee ("PAC"). The role of the PAC is to advise Starting Dot management on the BIO new gTLD Registry Policy, its supervision and evolution.

In addition, Starting Dot has developed specific policies (Appendix 2 – BIO Application Change Request, Question 18b iv) in order to mitigate as much as possible the risks of fraudulent and other illegal activities, including:

- i. Producing an extended list of:
 - a. prohibited names, as detailed in Appendix 2 - Change Request Question 18b iv) under the PROHIBITED NAMES section;
 - b. reserved names, including a substantial expansion on Geographical Indications. Domain names related to Geographical Indications (GI) will be protected

and blocked at no cost for the exclusive use by the relevant GI. A procedure will be defined so that the relevant GI may take possession of its domain. A list of these GIs, as well as the details of the procedure, will be communicated before Sunrise to registrars;

ii. Establishing strong enforcement procedures, as defined in Appendix 2 – Change Request Question 18b iv) under the ENFORCEMENT section.

Starting Dot has also established a working relationship with:

- The European Union Directorate General for Agriculture (meetings held on September 11, 2012 and on November 29, 2012) and the European Union GAC;
- Certain members of the European Parliament.

With these policies, Starting Dot considers that it is in compliance with Safeguard #4.

Safeguard #5 – Single point of contact for registrants, and information of relevant regulatory bodies in their main place of business

Starting Dot will enforce the two-tiered Safeguard #5 in the following ways:

Single Point of Contact (SPOC) for registrant: the Terms and Conditions of the BIO new gTLD registration will inform registrants that the Administrative Contact, provided by the registrant, will also be considered as the SPOC for complaints or reports of registration abuse.

This Registrant SPOC will undergo several verification steps, including via:

- a thick WHOIS requirement (response to question 18 of the BIO new gTLD application);
- the 2013 Registry Registrar Agreement (RRA) requiring registrars to verify telephone number and email accuracy;
- the standard verification process of the BIO new gTLD as detailed in response to Safeguard #6 below, i.e. verification of all live web sites typically within three months, as described in response to Question 18 of the Change Request. At the same time, the Registrant SPOC information will be verified.

In case the Registrant SPOC cannot be verified, the domain will be put on hold until full and adequate resolution.

Applicability of requirement that registrant submit information on relevant regulatory body: Starting Dot considers, based on its registry policy which is based on the POA and not on specific local, national or regional regulations, and based on the reasons why it has chosen such a registry policy as described in detail in Section 3 above, that it is not required to seek from registrants the name of the relevant regulatory, or industry self-regulatory body(ies), in their main place of business.

Furthermore, as detailed in answer to BIO application Q18, ENFORCEMENT section, a Single point of contact (SPOC) will be made available for complaints on the official registry operator web site for the BIO new gTLD. A copy of all complaint messages will be forwarded

to a designated IFOAM representative member of the BIO Policy Advisory Committee, for further information of the relevant regulatory body of the Organic Movement.

In addition :

- issues of abuse prevention and mitigation are more specifically and further addressed by the BIO new gTLD application in response to Question 28 (Appendix 8).
- Starting Dot, with the assistance of IFOAM, will provide to Registrants a permanent link to an up-to-date page of a directory of all major regional or national regulatory and/or self-regulatory bodies for any complaint regarding misuse of the .BIO new gTLD.

With such action plan and commitments, Starting Dot considers that it is in compliance with Safeguard #5.

Safeguard #6 - Registrant eligibility validation and control

As mentioned and discussed in section 3 above, as there is no unified and unique global organic set of standards, IFOAM has sought that registrants be included and accepted based on their positive reference to the POA (abidance to POA in the case of registrants in the food and farming sector; not undermining POA for other sectors), and not on specific authorizations, charters, licenses or credentials.

Nonetheless, the ENFORCEMENT section of Appendix 2 – BIO new gTLD Change Request, Question 18b iv) details the policies in place to validate and control registrant eligibility:

The .BIO domain name registration policies contain the following enforcement procedures and processes, in addition to those procedures that have been established in accordance with Consensus Policies such as the UDRS and the URS.

In principle, all new .BIO secondary domain name registrants will be verified within 1 to 3 months following the creation of a live web site operated under the registered secondary domain name. Starting Dot will verify whether a registrant is in compliance with the registry operator's policies on the basis of public information, such as the information displayed on the registrant's website, as well as other sources (Internet, public registries).

When a registrant, based on the information displayed on its website and/or its identity, is clearly not in compliance with the registry operator's policies, the registry operator will put the domain name on hold, and inform both the registrant and the registrar.

Furthermore, Starting Dot's publicly available Complaints Point of Contact will handle any complaints in relation to a .BIO secondary domain name registration, including where the complainant alleges that a particular registrant is not in compliance with the registry operator's policies.

If, following the investigation of a complaint or an ex officio review of the registrant's compliance with the registry operator's policies, no or insufficient proof is provided by the registrant that all policy requirements have been complied with, Starting Dot shall be entitled to put the domain name on hold or to revoke the domain name. Furthermore, Starting Dot

may inform the public that the domain name has been previously used contrary to its registration policies, and mention the name of the related registrant.

With these policies, Starting Dot considers that it is in compliance with Safeguard #6.

Safeguard #7 – Doubtful registrations

As mentioned and discussed in Section 3 above, as there is no unified and unique global organic set of standards, IFOAM has sought that registrants be included and accepted based on their positive reference to the POA, and not on specific licenses, credentials or authorizations. The verification of such positive reference to the POA is detailed above in response to Safeguard #6.

With these policies developed hand-in-hand with IFOAM, Starting Dot considers that it is in compliance with Safeguard #7.

Safeguard #8 - Periodic post-registration checks

Starting Dot is an accountable new gTLD applicant very concerned with quality, compliance, safety controls and verification processes. In addition to the initial post-registration checks described in response to Safeguard #6 above, Starting Dot hereby commits to an annual verification of 10% of all domain names registered under the BIO new gTLD. The annual verification process will be defined in conjunction with the Policy Advisory Committee in order to ensure the highest degree of relevant targeting of the verification process.

With such action plan and commitments, Starting Dot considers that it is in compliance with Safeguard #8.

With its replies above to Safeguards 1, 2 and 4 through 8, Starting Dot hopes and considers that it has appropriately responded to the GAC Advice of April 11, 2013.

5. Starting Dot commitments with GAC Safeguards regarding BIO

On February 5, 2013, in response to advice provided in the Toronto GAC Communiqué dated October 12, 2012, the New gTLD Program Board Committee approved a public comment period on a proposed "Public Interest Commitments Specification" as a mechanism to transform application statements into binding contractual commitments, as well as to give applicants the opportunity to voluntarily submit to heightened public interest commitments.

Starting Dot hereby commits to file a Public Interest Commitments Specification (PIC) covering all the policy commitments described above in order to satisfy the required Safeguards asked by the GAC.

Starting Dot will file this PIC once Starting Dot reviews all public comments issued on this response to the GAC Advice and the public comment period is over, and in any case prior to starting to work with ICANN on the BIO new gTLD Registry Agreement in order to include this PIC into Specification 11.

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Appendix 1: Results of Market Survey by Decipher concerning first perceived meaning of the short form 'bio'

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Appendix 6: List of Nations by existing levels of organic regulation

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Appendix 8: BIO new gTLD Response to Question 28

APPENDIX 1 - Results of Market Survey by Decipher concerning first perceived meaning of the short form 'bio'

From March 27 to April 2, DECIPHER Inc., a US based comprehensive market research services firm, has conducted on behalf of Starting Dot a survey on three samples of individuals aged over 18 and representative of the entire national population of the USA, France and Germany.

The question was : « **According to you, among the following choices, which is closest in meaning to "bio"?** ». The question and the choices were translated into French and German for respectively France and Germany.

Sample size: 852 unique individuals (USA : 418, France : 213, Germany : 221).

The table of results displayed here below shows that the term « bio » has a totally different meanings in the USA and in continental Europe. France and Germany have a cumulated population of 140 m and represent together 50% of the European Union total population. In those countries, « bio » is clearly the term to mean « organic food and farming » and doesn't at all means « biotechnology ». In the USA, « bio » mostly relates to « biology » and « biography » (70% of respondents), and means « biotechnology » as first meaning for only 10% of the respondents.

	Total	US	France	Germany
Total	N=852	N=418	N=213	N=221
organic farming	21%	2%	46%	31%
organic products	23%	5%	43%	38%
biology	26%	41%	5%	19%
biography	17%	30%	0%	9%
biotechnology	6%	11%	0%	1%
biodegradable	4%	8%	1%	0%
biodiversity	3%	3%	4%	2%

About Decipher: A marketing research services provider, Decipher specializes in online survey programming, sampling, data collection and data reporting. Utilizing proprietary Web-based applications, Decipher integrates state-of-the-art technology with traditional research techniques. Decipher is all about uncovering opportunities in whatever territory is explored with clients. As a true partner, Decipher isn't interested in just data, but also about what that data represents for each client. The company focuses on technology and research systems that bring data to life, and in doing so, helps reveal how even seemingly small discoveries can yield meaningful insights. <http://www.decipherinc.com>

Appendix 2: BIO new gTLD Application Change Request of Q18b

String: bio

Application ID: 1-1000-94806

Answer to Q18b Changed v2

18(b). How proposed gTLD will benefit registrants, Internet users, and others

i) General goals

The goal of the .BIO TLD is to increase consumer trust with a dedicated space, promote free and healthy competition, deliver more consumer choice and offer businesses, organizations, individuals and the advocates the ability to expand their reach.

The .BIO TLD will add a layer of user and navigational simplicity across the communities involved in the organic sector or in life sciences or other areas related to 'bio', bringing participants, organizations, institutions, corporations and brands closer together.

As shown by Google AdWords Keyword Tool statistics (January 2013 monthly million requests on Google), there is strong interest in all 'bio'-related online content:

- 46 m for 'bio';
- 37 m for 'biography';
- 9.1 m for 'organic';
- 7.5 m for 'biology';
- 1.8 m for 'biotech'.

Starting Dot is therefore confident that .BIO TLD will gain rapid international acceptance and recognition.

ii) How .BIO adds to the current TLD space

As stated above, the word 'bio' covers many different topics and areas, in particular the organic agriculture and life sciences. The .BIO TLD intends to serve all of these topics and areas, while ensuring that both POA and national and international organic standards are respected.

A majority of producers, wholesalers, processors and distributors in the organic sector are small businesses. Accordingly, the internet is the most valuable tool they have

to showcase their products and services and a very valuable tool to go to market.

The .BIO TLD will serve as a unique source of information on multiple 'bio'-related sectors, while ensuring that these contents are provided by organizations and individuals which comply with or do not undermine the POA.

Starting Dot has identified at least 300,000 organizations that are eligible to register a domain name under .BIO TLD and expects to achieve a market penetration of 5% to 10% after 3 years of operation of the proposed gTLD.

iii) Goals of .BIO TLD in terms of user experience

The main benefit to registrants of a secondary domain name in the .BIO TLD is that they will be able to develop identities clearly associated to their underlying sectors, areas of interest or industries.

However, for the organic sector, credibility on the internet is extremely important, just as it is in the real life. Indeed, consumers buy organic products because they can rely on the fact that the products have been produced or transformed consistent with the organic agriculture principles. The adoption of these principles will create a safer and more reliable TLD and will promote internet usage and technology adoption within the organic sector.

Ultimately, all sectors and areas of interest covered by the term 'bio' will benefit from .BIO TLD as it has the potential to:

- Promote collaboration and networking within each area.
- Provide worldwide exposure for registrants.
- Provide a fresh set of domain names that are available for registration.

The .BIO TLD will deliver a trusted, safer and more relevant user experience to users searching for information on any forms of 'bio'-related products, services or marketplaces, and therefore better search results.

iv) .BIO intended registration policies

In operating the .BIO TLD, Starting Dot intends to implement all current and future ICANN policies. Accordingly, Starting Dot will follow, among others, ICANN's policies with respect to dispute resolution, including the adoption of the Uniform

Dispute Resolution Policy (UDRS) and Uniform Rapid Suspension (URS), as the same may be amended from time to time.

Domain names related to Geographical Indications (GI) will be protected and blocked at no cost to the relevant governments and/or public authorities, before the TLD is introduced, so that no parties may apply for them. A procedure will be defined so that governments can request the GIs-related domain(s) if they would like to take possession of them. A list of those names will be communicated before Sunrise to registrars.

ELIGIBILITY

.BIO will be an open TLD, generally available to all registrants (except during the Sunrise period; and in accordance with Sections a) and b) below).

Several national and international regulations have defined the 'bio' term as a label displayed on product packaging to identify certified organic products. However, the organic movement is not limited to certification standards and is based on core organic agriculture principles, which have been formulated by the International Federation of Organic Agriculture Movements ("IFOAM"). As stated above, IFOAM's Principles of Organic Agriculture ("POA") serve to inspire the organic movement in its full diversity and to guide the development of positions, programs and standards in the organic community.

Because the .BIO TLD combines one sector governed by the POA, and many other sectors not directly related to organic agriculture, the eligibility criteria for the .BIO TLD will be as follow:

a) Producers, transformers and retailers involved in the field of agriculture, food and farming will be required upon registration to i) commit to abiding by the POA, ii) copy and paste on their website homepage a statement of such commitment (or a relevant graphic or visual label) as proposed by the applicant, with a permanent html link to a web page describing the POA and the eligibility requirements of the .BIO TLD.

b) All other registrants will be required upon registration to commit to not undermine the POA.

The intent of Starting Dot is not to replicate existing organic regulations (which differ from country to country). Indeed, this would create unnecessary barriers to participation and would slow down innovation and the flow of information in the .BIO sectors. The intent is to be inclusive of all participants who actively advocate organic principles

without necessarily seeking organic certification, and of registrants not related to agriculture, food and farming but related to other meanings of the short-form 'bio'.

The applicant is currently devising clear policies together with IFOAM in a way that will benefit the interests of the organic movement, without unduly restricting registration of eligible registrants outside the agriculture, food and farming sectors. IFOAM is setting up with the applicant a Policy Advisory Committee (PAC), in which representatives of the organic movements and of other 'bio'-related areas can, together with representatives of the registry operator, develop new policies in relation to the operation of the .BIO TLD and formulate recommendations.

Starting Dot has also defined a list of reserved and prohibited domain names under the .BIO TLD. Reserved names are secondary domain names reserved for special use or for special organizations. Prohibited names are names that may not be registered under the .BIO TLD.

RESERVED NAMES

Starting Dot will comply with restrictions on registration of character strings set forth in Specification 5 of the Registry Operator Agreement.

Starting Dot also intends to define and operate a list of domain names that have a value for all communities covered by the word 'bio', in order to subsequently delegate them to those registrants who are committing to use these names in order to support communities for which .BIO TLD is initially intended.

Hence, one character labels and a list of generic names will be reserved by Starting Dot and released at its sole discretion.

PROHIBITED NAMES

The list of prohibited names under .BIO TLD includes, in particular:

- Abusive, racist, obscene terms.
- Terms relating to crime or offenses.
- Terms in clear violation of the POA (for instance names related to human rights abuses, GMO, fertilizers, pesticides...).

The list of prohibited names will be made available to registrars prior to Sunrise.

THIRD-LEVEL NAMES

Although Starting Dot does not currently intend to allow third-level name registrations under the .BIO TLD, it may, on a case by case basis or upon specific request from a community representative of a portion of the short-form 'bio' community, create specific secondary domain names for registration of third-level domain names.

ILLEGAL USE AND COMPLIANCE

When registering a secondary domain name in the .BIO TLD, it is of the registrant's responsibility to be compliant with the applicable existing national and international regulations, if any.

Use of a domain name that is barred or prohibited by law or legal proceeding in any jurisdiction, or is considered to be defamatory or does not meet the eligibility criteria, will permit Starting Dot to revoke the domain name. Policies to this end will be developed by the registry and published in due time prior to the Sunrise.

ENFORCEMENT

The .BIO domain name registration policies will contain the following enforcement procedures and processes, in addition to those procedures that have been established in accordance with Consensus Policies such as the UDRS and the URS.

In principle, all the new .BIO secondary domain name registrants will be verified within 1 to 3 months following the creation of a live web site operated under the registered secondary domain name. Starting Dot will verify whether a registrant is in compliance with the registry operator's policies on the basis of public information, such as the information displayed on the registrant's website, as well as other sources (Internet, public registries).

When a registrant, based on the information displayed on its website and/or its identity, is clearly not in compliance with the registry operator's policies, the registry operator will put the domain name on hold, and inform both the registrant and the registrar.

Furthermore, Starting Dot's publicly-available Complaints Point of Contact will handle any complaints in relation to a .BIO secondary domain name registration, including where the complainant alleges that a particular registrant is not in compliance with the registry operator's policies.

If, following the investigation of a complaint or an ex officio review of the registrant's compliance with the

registry operator's policies, no or insufficient proof is provided by the registrant that all policy requirements have been complied with, Starting Dot shall be entitled to put the domain name on hold or to revoke the domain name. Furthermore, Starting Dot may inform the public that the domain name has been previously used contrary to its registration policies, and mention the name of the related registrant.

Appendix 3: Support letter to the BIO new gTLD application sent by IFOAM to the GAC

5 February, 2013

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Dear People,

The International Federation of Organic Agriculture Movements (IFOAM) is the umbrella organization for the organic sector worldwide. Since 1972, IFOAM has defined, convened, represented, educated, and advocated an organic approach to life on planet Earth for producers, consumers, traders, policy makers, researchers, and communities. We are a membership-based organization with over 750 members and representation from over 115 countries, with a respected standing with governments, and partnerships with intergovernmental agencies such as FAO and UNCTAD, among others. IFOAM's work has been the foundational piece of most organic standards and markets worldwide. Our formal positions on policy and governance, science and technology, and ecological and socioeconomic practices have been and continue to be the formative guidance adopted by the organic sector.

Our organization previously submitted comments about the application to ICANN by Starting Dot for the ownership of the global Top Level Domain (gTLD) .BIO. We hereby rescind those previous comments in light of new information that has come to us about this application based on significant interaction and meetings with Starting Dot. Our

position has changed to one of positive support for Starting Dot and its application for the .BIO gTLD. (We would respectfully reiterate that the term "BIO" refers to organic production in ten languages and over fifty countries.)

In response to the concerns we raised against their application, Starting Dot proactively engaged with IFOAM to explain its intentions, approach, and concrete implementation plans for administration, oversight, and control of the .bio gTLD. We have been suitably impressed and moved by their sincerity of purpose, cooperative spirit, and pragmatic approach for making this new gTLD a space that can provide enormous opportunity to the organic sector.

Our concerns about the potential ambiguity of registrants' activities or the messages they might convey through use of a .BIO string have been put to rest by Starting Dot's explanation of its initial registration policy and the related control and public feedback mechanisms they plan to implement upon launch and subsequent management of the .BIO gTLD. In addition, Starting Dot has listened to our concerns and comments and has thereby improved on its initial registry policy. We feel these policies, controls and mechanisms are straightforward, practical to execute, allow for enough flexibility to enable growth of the string, and will ensure the credibility of those entities associating with the .BIO gTLD.

Starting Dot's model appears well suited to the task; this is further reflected by endorsements Starting Dot has received for their three other gTLD applications of .ARCHI, .IMMO, and .SKI - all of which have gained strong support from their respective sectors and national and global trade federations. IFOAM, as the global organization for the organic movement, hereby endorses the Starting Dot application for .BIO in an equal fashion.

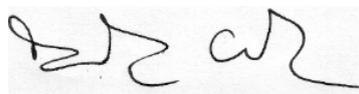
As IFOAM has continued to investigate the general topic of gTLD's related to our scope of activities, we find the Starting Dot application and approach to be the best suited to serve our objectives. This is much in contrast to the application for .ORGANIC, to which we hereby repeat our opposition, as that unrestricted registry policy application does nothing to allay our fears about the potential for ambiguous, abusive, or insincere attempts to capitalize on the hard-earned achievements of the organic movement. Despite our opposition comment in September 2012 to .ORGANIC, we have not heard from its applicant.

We stay available for further exchange on this topic.

Regards,



Markus Arbenz
Executive Director



David Gould
Value Chain Facilitator

Appendix 4: Support letter to the BIO new gTLD application sent by IFOAM to the EU GAC members and the EU Directorate General for Agriculture

5 February, 2013

Mr. Joao Onofre
Head of Unit, Organic farming
Office L130 03/234a
joao.onofre@ec.europa.eu

Mr. Hans-Christian Beaumont
Head International and Controls Sector
Organic Farming Unit
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Mr. Georges Vassilakis
Conseiller
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DG Agri and Rural Development
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1049 Bruxelles
Belgium

Mrs. Linda Corugedo Steneberg
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Mr. Lars-Erik Forsberg
Deputy Head of Unit
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Mr. Andrea Glorioso
Policy Officer
Office BU 25-4/64
andrea.glorioso@ec.europa.eu

DG Communications Networks, Content and Technology
25 Avenue de Beaulieu
European Commission
1049 Bruxelles
Belgium

Dear People,

The International Federation of Organic Agriculture Movements (IFOAM) is the umbrella organization for the organic sector worldwide. Since 1972, IFOAM has defined, convened, represented, educated, and advocated an organic approach to life on planet Earth for producers, consumers, traders, policy makers, researchers, and communities. We are a membership-based organization with over 750 members and

representation from over 115 countries, with a respected standing with governments, and partnerships with intergovernmental agencies such as FAO and UNCTAD, among others. IFOAM's work has been the foundational piece of most organic standards and markets worldwide. Our formal positions on policy and governance, science and technology, and ecological and socioeconomic practices have been and continue to be the formative guidance adopted by the organic sector.

Our organization previously submitted comments about the application to ICANN by Starting Dot for the ownership of the global Top Level Domain (gTLD) .BIO. We hereby rescind those previous comments in light of new information that has come to us about this application based on significant interaction and meetings with Starting Dot. Our position has changed to one of positive support for Starting Dot and its application for the .BIO gTLD. (We would respectfully reiterate that the term "BIO" refers to organic production in ten languages and over fifty countries.)

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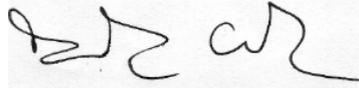
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We stay available for further exchange on this topic.

Regards,

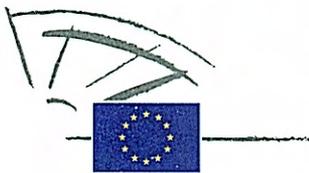


Markus Arbenz
Executive Director



David Gould
Value Chain Facilitator

**Appendix 5: Support letters to the BIO new gTLD application from
two European Parliament Members**



PARLEMENT EUROPÉEN

Françoise GROSSETÊTE

Députée au Parlement Européen

Conseillère régionale de Rhône-Alpes

Brussels, February 18th 2013

Réf:03/12/2012 FXV

Dear Commissioner Ciolos,

We have become aware of the 'new gTLD' program (i.e. new names for internet extensions) launched by the non-profit international organization called ICANN, which will substantially increase consumer choice in terms of internet domain names.

We would like to be informed of the opinion of DG Agriculture and Rural Development, both on an overall basis and specifically concerning the .BIO new generic top-level domain (TLD) application.

We have met with the applicant to .BIO and would like to share with you our strong support for this application. A majority of producers, processors and distributors in the organic sector are small entities. Accordingly, the internet is a very valuable tool to showcase organic products as well as related news and information. The .BIO TLD will also serve as a unique source of information on multiple 'bio'-related sectors, while ensuring that these contents are provided by organizations or individuals which comply with, or do not undermine, the principles of organic agriculture. We also welcome the fact that the .BIO application is developed by an applicant from the European Union, in a sector largely dominated by American interests.

In addition, we have understood a few key elements of this application:

- 1) The applicant has decided to define a Registry Policy for .BIO in collaboration with the International Federation of Organic Agricultural Movements (IFOAM), based in Bonn, Germany, in compliance with the Principles of Organic Agriculture (POA) formulated by IFOAM in 2005 (the two organizations are currently working on a dedicated agreement).
- 2) As the word 'bio' has many different meanings in various languages (from cinema in Danish to biography, biology and biotechnology in many languages), we consider that it is important that no single community be able to derail the .BIO application from being granted to the applicant. In particular, we have been informed that the Biotech Industry Organization (BIO, a global lobby advocating for biotech) is considering opposing this application. We trust that, should this association seek to object to the .BIO application, the EC will rightly argue, and prevail therein, that 'bio' is a generic term for the use of

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Assistants : F-X. VAUCHELLE - T. De LARY - M. LEFRANÇOIS

francoise.grossetete@europarl.europa.eu / www.francoise-grossetete.com

many communities – as long as they are in agreement with, or at a minimum do not undermine, the principles of the organic movement.

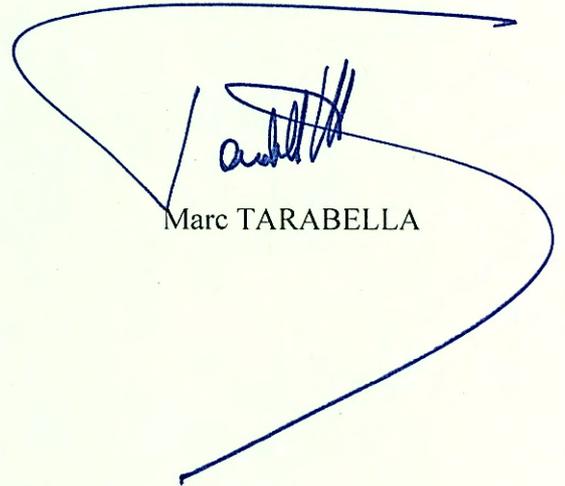
- 3) The intent of the .BIO application is not to replicate existing organic regulations (which by the way differ from country to country), because it would create unnecessary barriers to participation, would slow down innovation and the flow of information. The intent is to be inclusive of all participants who actively advocate organic principles without necessarily seeking organic certification and for registrants not directly related to agriculture, food and farming

Would you please inform us of your position on those issues.

Yours sincerely;



Françoise GROSSETETE



Marc TARABELLA

Commissioner CIOLOS
European Commissioner
Berlaymont
B-1049 Bruxelles

Appendix 6: List of Nations by existing levels of organic regulation

Disclaimer: The information contained herein is correct to the best of Starting Dot's knowledge. Starting Dot assumes no liability for any party's use of this data.

The above categories are a simplified listing of what in reality is a more complex situation. Countries may have a finalized enabling law without having developed the rules for implementation. In some cases the law has defined detailed standards while in others it sets out only guidelines, with the establishment of the standards and system for approval of certification bodies left to the administration. In other countries a national standard has been developed and finalized before the passage of any law. In one country the government has implemented a regulatory system based entirely on administrative measures rather than the law.

Countries with fully implemented organic agriculture regulations	Countries with finalized organic agriculture regulations not yet fully implemented	Countries in the process of drafting organic agriculture regulations
Albania Argentina Armenia Australia (only for export) Austria Belgium Bolivia Brazil Bulgaria Canada Chile China Colombia Costa Rica Croatia Cyprus Czech Republic Denmark Dominican Republic Ecuador Estonia Finland France Georgia Germany Greece Guatemala Honduras Hungary Iceland India Indonesia Ireland Israel Italy Japan Latvia Lithuania Luxembourg Macedonia Malaysia Malta Mexico Moldova Montenegro Netherlands New Zealand (only for export) Nicaragua Norway Panama Peru Philippines Poland Portugal Romania Saudi Arabia Serbia Slovakia South Korea Spain Sweden Switzerland Taiwan Thailand Tunisia Turkey United Kingdom USA	Azerbaijan Bahrain Bhutan Cuba El Salvador Ethiopia Iran Jordan Kosovo Kuwait Lebanon Morocco New Caledonia Oman Paraguay Qatar United Arab Emirates Uruguay Venezuela	Bangladesh Bosnia and Herzegovina Burundi Egypt Hong Kong Jamaica Kenya Kyrgyzstan Laos Nepal Pakistan Russia Rwanda Senegal South Africa Sri Lanka St. Lucia Syria Tanzania Uganda Ukraine Vietnam Zambia Zimbabwe

Appendix 7: Principles of Organic Agriculture

PRINCIPLES *of* ORGANIC AGRICULTURE PREAMBLE

These Principles are the roots from which organic agriculture grows and develops. They express the contribution that organic agriculture can make to the world, and a vision to improve all agriculture in a global context.

Agriculture is one of humankind's most basic activities because all people need to nourish themselves daily. History, culture and community values are embedded in agriculture. The Principles apply to agriculture in the broadest sense, including the way

people tend soils, water, plants and animals in order to produce, prepare and distribute food and other goods. They concern the way people interact with living landscapes, relate to one another and shape the legacy of future generations.

The Principles of Organic Agriculture serve to inspire the organic movement in its full diversity. They guide IFOAM's development of positions, programs and standards. Furthermore, they are presented with a vision of their world-wide adoption.



Organic Agriculture

is based on: ***The principle of health***

The principle of ecology

The principle of fairness

The principle of care

Each principle is articulated through a statement followed by an explanation. The principles are to be used as a whole. They are composed as ethical principles to inspire action.

Principle of **HEALTH**

Organic Agriculture should sustain and enhance the health of soil, plant, animal, human and planet as one and indivisible.



This principle points out that the health of individuals and communities cannot be separated from the health of ecosystems - healthy soils produce healthy crops that foster the health of animals and people.

Health is the wholeness and integrity of living systems. It is not simply the absence of illness, but the maintenance of physical, mental, social and ecological well-being. Immunity, resilience and regeneration are key characteristics of health.

The role of organic agriculture, whether in farming, processing, distribution, or consumption, is to sustain and enhance the health of ecosystems and organisms from the smallest in the soil to human beings. In particular, organic agriculture is intended to produce high quality, nutritious food that contributes to preventive health care and well-being. In view of this it should avoid the use of fertilizers, pesticides, animal drugs and food additives that may have adverse health effects.

Principle of **ECOLOGY**

Organic Agriculture should be based on living ecological systems and cycles, work with them, emulate them and help sustain them.



This principle roots organic agriculture within living ecological systems. It states that production is to be based on ecological processes, and recycling. Nourishment and well-being are achieved through the ecology of the specific production environment. For example, in the case of crops this is the living soil; for animals it is the farm ecosystem; for fish and marine organisms, the aquatic environment.

Organic farming, pastoral and wild harvest systems should fit the cycles and ecological balances in nature. These cycles are universal but their operation is site-specific. Organic management must be adapted to local conditions, ecology, culture and scale. Inputs should be reduced by reuse, recycling and efficient management of materials and energy in order to maintain and improve environmental quality and conserve resources.

Organic agriculture should attain ecological balance through the design of farming systems, establishment of habitats and maintenance of genetic and agricultural diversity. Those who produce, process, trade, or consume organic products should protect and benefit the common environment including landscapes, climate, habitats, biodiversity, air and water.

Principle of **FAIRNESS**

Organic Agriculture should build on relationships that ensure fairness with regard to the common environment and life opportunities.



Fairness is characterized by equity, respect, justice and stewardship of the shared world, both among people and in their relations to other living beings.

This principle emphasizes that those involved in organic agriculture should conduct human relationships in a manner that ensures fairness at all levels and to all parties – farmers, workers, processors, distributors, traders and consumers. Organic agriculture should provide everyone involved with a good quality of life, and contribute to food sovereignty and reduction of poverty. It aims to produce a sufficient supply of good quality food and other products.

This principle insists that animals should be provided with the conditions and opportunities of life that accord with their physiology, natural behavior and well-being.

Natural and environmental resources that are used for production and consumption should be managed in a way that is socially and ecologically just and should be held in trust for future generations. Fairness requires systems of production, distribution and trade that are open and equitable and account for real environmental and social costs.

Principle of **CARE**

Organic Agriculture should be managed in a precautionary and responsible manner to protect the health and well-being of current and future generations and the environment.



Organic agriculture is a living and dynamic system that responds to internal and external demands and conditions. Practitioners of organic agriculture can enhance efficiency and increase productivity, but this should not be at the risk of jeopardizing health and well-being. Consequently, new technologies need to be assessed and existing methods reviewed. Given the incomplete understanding of ecosystems and agriculture, care must be taken.

This principle states that precaution and responsibility are the key concerns in management, development and technology choices in organic agriculture. Science is necessary to ensure that organic agriculture is healthy, safe and ecologically sound. However, scientific knowledge alone is not sufficient. Practical experience, accumulated wisdom and traditional and indigenous knowledge offer valid solutions, tested by time. Organic agriculture should prevent significant risks by adopting appropriate technologies and rejecting unpredictable ones, such as genetic engineering. Decisions should reflect the values and needs of all who might be affected, through transparent and participatory processes.



INTERNATIONAL FEDERATION OF
ORGANIC AGRICULTURE MOVEMENTS

IFOAM'S MISSION IS LEADING,
UNITING AND ASSISTING THE
ORGANIC MOVEMENT IN ITS FULL
DIVERSITY.

OUR GOAL IS THE WORLDWIDE
ADOPTION OF ECOLOGICALLY,
SOCIALY AND ECONOMICALLY
SOUND SYSTEMS THAT ARE BASED
ON THE PRINCIPLES OF ORGANIC
AGRICULTURE.

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Appendix 8: BIO new gTLD Response to Question 28

Question 28: Concerns on Abuse Prevention and Mitigation

The Applicant's proposed use for the .bio gTLD will include robust protection mechanisms designed to preclude any abusive registrations within the space.

Accordingly, the Applicant will adopt a comprehensive system including the screening of second-level domain name strings and ongoing monitoring for appropriate use of websites active within the space. Furthermore, the Internal Domain Use/Registration Policy as described in Question 18 above will ensure a high level of security for the .bio gTLD.

The Applicant will additionally:

- Develop a trusted method of communication for all correspondence between the Applicant and the .bio gTLD's registrars, to ensure that all registrant contact information, including WHOIS records, is complete and remains current, and that all requests for registration within the space may be easily verified for authenticity.
- Implement effective mechanisms for identifying and addressing abusive practices.
- Establish a point of contact for third-party reporting of abusive practices.
- Ensure accurate WHOIS data by implementing and enforcing a strict registration and validation policy. The Registry-Registrar Agreement will furthermore include the obligation of accredited registrars to validate and verify each registration request.
- Determine and implement a streamlined practice for addressing and removing orphan glue records.
- Publish on its website and include as binding registry policy an Anti-Abuse Policy, described in detail below, which provides applicable definitions of abuse and outlining steps Starting Dot will take to address any such situations.

A. Point of Contact for Abuse Complaints

The abuse email inbox will be routinely and continuously monitored several times per day. Complainants will be provided with a responsive communication containing an auditable tracking or case number.

The abuse point of contact will be easily reachable through various channels, including email, telephone and fax, responsive and effective, tasked with answering email quickly, empowered to take effective action, and guided by well-defined written criteria that will be established upon award of the .bio gTLD. This role-based function will be performed by a team of trained and qualified in-house counsels. Initially, at least one designated employee from the Applicant's legal department will be tasked with overseeing the .bio gTLD as part of his/her duties. One or more additional employees will be trained in the role as well, in order to provide "back up" assistance as needed. The abuse point of contact will be supported by Nathalie Dreyfus, Trademark Attorney, from the Law Firm Dreyfus & Associés, of Paris, France, with whom the abuse point of contact will consult and coordinate the correct management of disputes and reported abuse. The abuse point of contact will further consult with the registry service provider in order to coordinate technical reactions necessary to respond to or mitigate abusive behavior in a timely manner. Nathalie Dreyfus is a UDRP Panelist with the WIPO Arbitration and Mediation Center, the National Arbitration Forum (NAF), the Belgian Center for Mediation and Arbitration (CEPINA), the Asian Domain Name Dispute Resolution Center

(ADNDRC) and the Czech Arbitration Court and has a first-class knowledge of ICANN and its structure. With regard to the estimated number of registrations and the Registration Restrictions, these allocated resources will be sufficient to handle the expected initial volume of abuse complaints. Abuse complaint metrics will be tracked and reviewed carefully each year, and adequate resources will be expended to ensure appropriate trending of those metrics, thus providing the abuse point of contact with sufficient resources. Given the Applicant's belief that infrastructure protection, rights protection, and user security are of paramount importance for a TLD owner, the Applicant expects to ensure sufficient resources for this critical role, and to do whatever is reasonably necessary to ensure a secure and trusted zone.

B. Anti-Abuse Policy

The Applicant will develop and implement upon launch of the .bio gTLD an Anti-Abuse Policy (AAP). The AAP will be made binding for all registrants by contractually obligating registrars through the Registry-Registrar Agreement to pass on the AAP as part of their registration agreements. The AAP will also be published prominently on the Registry website alongside the abuse point of contact and with instructions on how to best report any suspected violations of the AAP to the registry.

The AAP will be based on and expand upon existing registry policies to ensure best industry practice is followed. The goal of the AAP is to limit significant harm to internet users, to enable the Applicant or accredited registrars to investigate and to take action in case of malicious use of domain names and to deter registrants from engaging in illegal or fraudulent use of domain names.

The Applicant defines abuse as an action that causes actual and substantial harm, or is a material predicate of such harm, and is illegal, illegitimate, or otherwise contrary to Company policy.

"Abuse" includes, but is not limited to, the following:

- Use of a domain to defraud or attempt to defraud members of the public in any way
- Use of a domain to distribute or publish hateful, defamatory, or derogatory content based on racial, ethnic, or political grounds, intended or generally able to cause or incite injury, damage or harm of any kind to any person or entity
- Use of a domain name to publish content threatening or invading the privacy or property rights of a third party
- Use of a domain name to publish content that infringes the trademarks, copyrights, patent rights, trade secrets or other intellectual property rights, or any other legal rights of the Applicant or any third party, or any action infringing on the named rights
- Violation of any applicable local, state, national or international law or regulation
- Use of a domain name for the promotion, involvement in or assisting in, illegal activity of any kind, as well as the promotion of business opportunities or investments that are not permitted under applicable law
- Advertisement or offer for sale any unlawful goods or services in breach of any national or international law or regulation
- Use of domain names to contribute to the sale or distribution of prescription medication without a valid prescription as well as the sale and distribution of unlicensed or unapproved medication
- Distribution of Child Pornography or other content depicting minors engaged in any activity of a sexual nature or which may otherwise harm minors
- Use of domain names to cause minors to view sexually explicit material

- Any use of domain names with regard to spam in any form, including through e-mail, instant messaging, mobile messaging, or the spamming of Web sites or Internet forums, as well as advertising for a domain name through spam
- Initiation or intentional participation in denial-of-service attacks (“DDoS attacks”)
- The use of domain names in phishing activities, tricking Internet users into divulging personal data such as usernames, passwords, or financial data
- The use of domain names in pharming , such as DNS hijacking and poisoning
- The use of domain names for the intentional distribution of spyware, botware, keylogger bots, viruses, worms, trojans or other forms of malware
- The use of a domain name in unauthorized fast flux hosting, disguising the location of internet addresses or Internet services. Fast flux hosting may be used only with prior permission of the Applicant
- The use of domain names to command and control botnets, i.e. a network of compromised computers or “zombies”
- The use of domain names in activities intended to gain illegal access to other computers or networks (“hacking”), as well as any activity to prepare for such system penetration

In accordance with best practices in current generic Top Level Domains, the Applicant reserves the right to either directly or through the issuing of a request to an accredited registrar deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, that it deems necessary, in its discretion:

1. to protect the integrity and stability of the .bio gTLD and/or prevent the abuse of any .bio domain name
2. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process
3. to avoid any liability, civil or criminal, on the part of the Applicant, as well as its affiliates, subsidiaries, officers, directors, and employees
4. per the terms of the Registry Agreement or
5. to correct mistakes made by the Applicant, Registry Service Provider or any Registrar(s) in connection with a domain name registration

The Applicant also reserves the right to place a domain upon registry lock, hold or similar status name during resolution of an investigation or dispute.

C. Handling of Abuse Reports

All abuse reports received by the abuse point of contact will be tracked internally in a ticketing system to ensure accountability and ease of reference, and a tracking number will be provided to the reporter. Each report will be carefully reviewed and evaluated regarding its credibility, to determine whether the reported issue is an abuse concern and to assess the required action(s), if any. The Applicant will work in tandem with the sponsoring registrar as well as the Registry Service Provider to rapidly address potential threats or abuse complaints, investigate all reasonable complaints, and take any appropriate action(s) thereto.

As standard practice, the Applicant will forward all credible and actionable reports, including the accompanying evidence, if any, to the sponsoring registrar, with a request to investigate the issue further and to take appropriate action. The sponsoring registrar has a direct relationship with the registrant and therefore possesses further information not available to the Applicant, such as payment details, sales history, and IP addresses of the customer, reseller data (if applicable) and other specific data unique to the

customer. In case the registrar determines in the course of the investigation that the use of the domain name violates the applicable terms of use, ICANN policies or the AAP, the registrar is expected to take action within reasonable time. The Applicant further reserves the right to act directly and immediately in cases of obvious and significant malicious conduct.

The Applicant will implement valid court orders or seizure warrants from courts, arbitration tribunals, or law enforcement agencies of applicable jurisdiction as a top priority. The Applicant will further work closely with law enforcement agencies if necessary.

Based upon the applicable registration policies and restrictions, the Applicant does not expect further measures to be required to effectively prevent or stop malicious use. In case of an unexpected volume of credible abuse complaints, the Applicant will take advantage of additional resources such as spam databases and blocklists, anti-phishing feeds, analysis of registration data, and DNS queries.

D. Orphan Glue Records:

According to the ICANN SSAC paper SAC048 at:

<http://www.icann.org/en/committees/security/sac048.pdf> orphan glue records are defined as follows:

“By definition, orphan records used to be glue records. A glue record becomes an ‘orphan’ when the delegation point NS record referencing it is removed without also removing the corresponding glue record. The delegation point NS record is sometimes referred to as the parent NS record.”

An orphan glue record can occur whenever a domain is placed in ServerHold or ClientHold status. In these cases, the domain is removed from the zone file but existing name servers of this domain will be kept in the zone file so that other sites which are still using these name servers are still kept functional.

Example:

“example.string” is deleted from the zone file by setting to ServerHold status, but “ns1.example.string” will be kept in the zone file.

Prevention of Orphan Glue Records During Domain Deletion

Deleting a domain name is only possible if there are no glue records used by other domains associated with the domain being deleted.

If there are glue records available but not used by other domains in the registry, the glue records will be deleted prior to the domain deletion. Whenever there are glue records available which are still in use, this has to be resolved first. If there are no glue records at all the domain can be deleted instantly.

Solving the problem of glue records for domains which are supposed to be deleted can be done by checking the zone file. The zone file reveals the domains which are using the name servers. Once the required information is available, the named registrars must be contacted and new name servers should be set for the remaining domains in order to release the glue records.

In cases where glue records are being used in a malicious way, the abuse point of contact has to be contacted. The abuse point of contact will check this issue and take any appropriate actions, which may result in removing relevant records from the zone file in case the abuse complaint is valid.

E. Preventive Countermeasures

Pharming is an abusive practice used to gain illegal access to personal and confidential internet user information by diverting internet traffic through the manipulation of the information between the recursive resolver name server and the client software (e.g. web browser) (DNS-cache poisoning). Since pharming is commonly accomplished by redirecting traffic at the recursive DNS level, mitigation is most effective at the ISP level.

However, as an added countermeasure, the Registry Service Provider (KSregistry) will sign the domain zone using DNSSEC, as detailed in the answer to question 35, allowing the relying party to establish a chain of trust from the DNS root down to the domain name, thus validating DNS queries in the zone.

Registrars will be encouraged to use a DNSSEC enabled DNS hoster and to provision the related delegation signers (originating from the DNS hoster) to KSregistry's SRS via EPP. This way it will be possible for the relying party to validate DNS queries and to protect from DNS tampering to a certain degree.

DNSSEC is a set of records and protocol modifications that provide authentication of the signer of the DNS data, verification of integrity of the DNS data against modification, non-repudiation of DNS data that have been signed, and authenticated denial of existence of DNS records. DNS data secured with DNSSEC are cryptographically signed and incorporate asymmetric cryptography in the DNS hierarchy, whereby trust follows the same chain as the DNS tree, meaning that trust originates from the root and is delegated in the same way as the control of a domain. When a domain name in the .bio gTLD is requested by a browser, the signature is validated with the public key stored in the parent zone.

F. Promoting Accurate WHOIS Data

The Applicant is committed to maintaining the .bio gTLD space as a safe, secure online environment. A key component of such a plan is the creation and upkeep of accurate WHOIS records for the registry. As indicated in detail in the above answer to Question 26, the Applicant will develop strong safeguards to verify the accuracy and privacy of the data stored in the WHOIS database, and will ensure that such records will be publicly-available to the extent required by ICANN regulations.

The WHOIS records for the .bio gTLD will constitute a "thick" WHOIS, combining all applicable data and information for domain name registrants in a central location. The individual registrars offering .bio domain names will be responsible, under the terms of the Registry-Registrar Agreement, for providing and promptly updating the WHOIS database with current, accurate and complete information. The Registry Service

Provider will be responsible for monitoring such information and records to ensure that registrars comply with the contractual agreements to provide accurate data, including the use of field-valid telephone and fax numbers and the use of country names as defined under ISO 3166. The Applicant shall expressly reserve the right to cancel or suspend any domain name registrations within the space should a registrant fail to provide accurate or complete WHOIS information.

At all times, ICANN's WHOIS Data Problem Reporting System (WDPRS) will be available to anyone wishing to file a complaint regarding the accuracy or sufficiency of WHOIS records within the .bio gTLD.

G. Registrant Authentication

The registrar will be responsible for making sure that only authenticated registration requests will be submitted to the registry, ensuring the accuracy of the WHOIS. Effectively, this will ensure that all WHOIS data is 100% accurate and pre-validated.

The Applicant will accordingly maintain strict control over the registration and use of .bio domain names. Only authorized personnel will be able to release a name from reservation and register it for use through an ICANN-accredited registrar. Likewise, only authorized Company personnel will be able to make DNS changes or alterations to the WHOIS data for the domain names. The Applicant will require multiple unique points of contact to request and/or approve update, transfer, and deletion requests, and will require notification of multiple, unique points of contact when a domain has been updated, transferred, or deleted.

These checks will include a clear, written policy detailing the steps by which such corporate authority may initiate the request for a domain name registration in the .bio gTLD. The concerned registrar(s) will have the ability to register domain names in the .bio gTLD only upon receipt of the proper corporate approval. Furthermore, there will be strict policies in place to prevent unauthorized changes to name servers, WHOIS or other DNS information, including registration of third- and higher-level subdomains.

In the event that the Applicant decides to license the use of .bio domain names or subdomains to affiliates, additional levels of corporate approval may be required in order to ensure the proper use of such domain names.

H. Licensed Domain Names

The Applicant may, from time to time and in its sole discretion, elect to license the use of .bio domain names to its affiliates. The Applicant will ensure that any such licensed affiliates will have only a limited license to use the allocated domain name, subject to continuing compliance with all policies in place during that time. Should the Applicant elect to offer such license arrangements, additional corporate approval may be required to ensure internal responsibility for overseeing and enforcing the terms of the license. Any licensee(s) must warrant they will not assign the license or sublicense any subdomain without

- securing the sublicensee's agreement to any and all terms required by the Applicant, including the Acceptable Use Policy and all other applicable policies
- obtaining the Applicant's prior consent in writing

I. Ensuring Proper Access to Domain Functions

The Registry will be operated using a comprehensive and detailed authentication system designed to implement a wide range of registry functions for both internal operations and as external registrar access. Registrar access will be limited by IP address control lists and TLS/SSL certificates, as well as verification processes for proper authentication and appropriate limitations to restrict access to the sponsored objects.

Each domain name will be assigned a unique AUTH-INFO code. The AUTH-INFO code is a 6- to 16-character code assigned by the registrar at the time a domain is created and which can be modified by the registrar at any time. Its purpose is to aid in the identification of the domain owner so that proper authority can be established. For example, a registrar-to-registrar transfer can be initiated only by using the correct AUTH-INFO code, to ensure that domain updates (update contact information, transfer, or deletion) are undertaken by the authorized registrant. Access to the domain's AUTH-INFO code, stored in the registry, is limited to the sponsoring registrar and is accessible only via encrypted, password-protected channels.

Further security measures are anticipated and will be implemented in the new space, but are currently treated as confidential for security reasons. Accordingly, a full explanation of these mechanisms may be found in the response to Question 30(b).

J. References and Attachments

<http://www.icann.org/en/committees/security/sac048.pdf>

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Ikano S.A.
Application ID	1-1002-9044
Applied for TLD (string)	.IKANO

Response:

Summary

Ikano S.A. welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

Ikano S.A. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .IKANO by Ikano S.A.

Ikano S.A. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights (<http://www.un.org/en/documents/udhr/index.shtml>). In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

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- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by Ikano S.A. for .IKANO based on General Safeguards

Ikano S.A., the applicant for the .IKANO top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non - discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - Ikano S.A. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Ikano S.A. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - Ikano S.A. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, Ikano S.A. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Ikano S.A. identifies

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security risks that pose an actual risk of harm, Ikano S.A. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - Ikano S.A. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Ikano S.A. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - Ikano S.A. will ensure that there is a mechanism for making complaints to Ikano S.A. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, Ikano S.A. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name. Ikano S.A. would like to note that registration policies will be set up according to this request.

Ikano S.A. would like to note that .IKANO is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore Ikano S.A. would like to state that the .IKANO is not in the public interest, but a representation of Intellectual property rights of Ikano S.A..

Ikano S.A. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	I-REGISTRY Ltd., Niederlassung Deutschland
Application ID	1-1003-1483
Applied for TLD (string)	RICH

Response:

Summary

I-REGISTRY Ltd., Niederlassung Deutschland (in the following “I-REGISTRY LTD.”) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

I-REGISTRY LTD. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .RICH by I-REGISTRY LTD.

I-REGISTRY LTD. would like to state, that:

1. We will respect human rights and fundamental freedoms

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We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

I-REGISTRY Ltd. is aware that the use of the internet including the registration and use of internet domain names may effect third party's rights, including but not limited to, personal rights, privacy rights, data privacy rights and intellectual property rights as well as criminal laws, civil laws and administrative laws, including the regulations concerning the privacy law and consumer protection. I-REGISTRY Ltd. understands that aforesaid rights and laws might, as the case may be, follow different legislatures and jurisdictions due to the internationality of the internet.

I-REGISTRY Ltd. respects and acknowledges the national legal systems of all national legitimate constitutional states as well as higher-level and superior laws, regulations and conventions and uses its best endeavors to anticipate and to impede any unlawful violations and infringements and to support law enforcements to the legitimate extent. That said, also I-REGISTRY Ltd.'s partners are expected to respect, acknowledge and comply with all the international legal provisions which might be effected, independent from the partner's location, its seat of business or place of origin.

I-REGISTRY Ltd. developed different measures in order to meet this admission. For example, I-REGISTRY Ltd. supports ICANN's Transfer Dispute Resolution Process, established a rights protection system, provides a concrete and binding Anti-Abuse Policy, provides a point-of-contact information for reporting suspected abuse, commits to rapid identification and resolution of abuse including suspensions, ensures completeness of WHOIS information at the time of registration; publishing and maintains procedures for removing orphan glue records for names removed from the zone, and establishes measures to deter WHOIS abuse.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by I-REGISTRY LTD. for .RICH based on General Safeguards

I-REGISTRY LTD., the applicant for the .RICH top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - I-REGISTRY LTD. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. I-REGISTRY LTD. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - I-REGISTRY LTD. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, I-REGISTRY LTD. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If I-REGISTRY LTD. identifies security risks that pose an actual risk of harm, I-REGISTRY LTD. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - I-REGISTRY LTD. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. I-REGISTRY LTD. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - I-REGISTRY LTD. will ensure that there is a mechanism for making complaints to I-REGISTRY LTD. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, I-REGISTRY LTD. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

I-REGISTRY LTD. would like to note that registration policies will be setup according to this request.

I-REGISTRY LTD. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback. We're asked to provide a

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statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore we reserve the right to limit our statements to those being approved by the ICANN New gTLD Program Committee.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	I-REGISTRY Ltd., Niederlassung Deutschland
Application ID	1-1003-27595
Applied for TLD (string)	ONL

Response:

Summary

I-REGISTRY Ltd., Niederlassung Deutschland (in the following “I-REGISTRY LTD.”) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

I-REGISTRY LTD. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .ONL by I-REGISTRY LTD.

I-REGISTRY LTD. would like to state, that:

1. We will respect human rights and fundamental freedoms

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We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

I-REGISTRY Ltd. is aware that the use of the internet including the registration and use of internet domain names may effect third party's rights, including but not limited to, personal rights, privacy rights, data privacy rights and intellectual property rights as well as criminal laws, civil laws and administrative laws, including the regulations concerning the privacy law and consumer protection. I-REGISTRY Ltd. understands that aforesaid rights and laws might, as the case may be, follow different legislatures and jurisdictions due to the internationality of the internet.

I-REGISTRY Ltd. respects and acknowledges the national legal systems of all national legitimate constitutional states as well as higher-level and superior laws, regulations and conventions and uses its best endeavors to anticipate and to impede any unlawful violations and infringements and to support law enforcements to the legitimate extent. That said, also I-REGISTRY Ltd.'s partners are expected to respect, acknowledge and comply with all the international legal provisions which might be effected, independent from the partner's location, its seat of business or place of origin.

I-REGISTRY Ltd. developed different measures in order to meet this admission. For example, I-REGISTRY Ltd. supports ICANN's Transfer Dispute Resolution Process, established a rights protection system, provides a concrete and binding Anti-Abuse Policy, provides a point-of-contact information for reporting suspected abuse, commits to rapid identification and resolution of abuse including suspensions, ensures completeness of WHOIS information at the time of registration; publishing and maintains procedures for removing orphan glue records for names removed from the zone, and establishes measures to deter WHOIS abuse.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by I-REGISTRY LTD. for .ONL based on General Safeguards

I-REGISTRY LTD., the applicant for the .ONL top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - I-REGISTRY LTD. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. I-REGISTRY LTD. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - I-REGISTRY LTD. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, I-REGISTRY LTD. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If I-REGISTRY LTD. identifies security risks that pose an actual risk of harm, I-REGISTRY LTD. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - I-REGISTRY LTD. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. I-REGISTRY LTD. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - I-REGISTRY LTD. will ensure that there is a mechanism for making complaints to I-REGISTRY LTD. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, I-REGISTRY LTD. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

I-REGISTRY LTD. would like to note that registration policies will be setup according to this request.

I-REGISTRY LTD. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC. We're asked to

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provide a statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore we reserve the right to limit our statements to those being approved by the ICANN New gTLD Program Committee.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	I-REGISTRY Ltd., Niederlassung Deutschland
Application ID	1-1003-40726
Applied for TLD (string)	VIP

Response:

Summary

I-REGISTRY Ltd., Niederlassung Deutschland (in the following “I-REGISTRY LTD.”) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

I-REGISTRY LTD. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .VIP by I-REGISTRY LTD.

I-REGISTRY LTD. would like to state, that:

1. We will respect human rights and fundamental freedoms

GAC Advice Response Form for Applicants



We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

I-REGISTRY Ltd. is aware that the use of the internet including the registration and use of internet domain names may effect third party's rights, including but not limited to, personal rights, privacy rights, data privacy rights and intellectual property rights as well as criminal laws, civil laws and administrative laws, including the regulations concerning the privacy law and consumer protection. I-REGISTRY Ltd. understands that aforesaid rights and laws might, as the case may be, follow different legislatures and jurisdictions due to the internationality of the internet.

I-REGISTRY Ltd. respects and acknowledges the national legal systems of all national legitimate constitutional states as well as higher-level and superior laws, regulations and conventions and uses its best endeavors to anticipate and to impede any unlawful violations and infringements and to support law enforcements to the legitimate extent. That said, also I-REGISTRY Ltd.'s partners are expected to respect, acknowledge and comply with all the international legal provisions which might be effected, independent from the partner's location, its seat of business or place of origin.

I-REGISTRY Ltd. developed different measures in order to meet this admission. For example, I-REGISTRY Ltd. supports ICANN's Transfer Dispute Resolution Process, established a rights protection system, provides a concrete and binding Anti-Abuse Policy, provides a point-of-contact information for reporting suspected abuse, commits to rapid identification and resolution of abuse including suspensions, ensures completeness of WHOIS information at the time of registration; publishing and maintains procedures for removing orphan glue records for names removed from the zone, and establishes measures to deter WHOIS abuse.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by I-REGISTRY LTD. for .VIP based on General Safeguards

I-REGISTRY LTD., the applicant for the .VIP top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - I-REGISTRY LTD. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. I-REGISTRY LTD. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - I-REGISTRY LTD. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, I-REGISTRY LTD. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If I-REGISTRY LTD. identifies security risks that pose an actual risk of harm, I-REGISTRY LTD. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - I-REGISTRY LTD. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. I-REGISTRY LTD. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - I-REGISTRY LTD. will ensure that there is a mechanism for making complaints to I-REGISTRY LTD. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, I-REGISTRY LTD. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

I-REGISTRY LTD. would like to note that registration policies will be setup according to this request.

I-REGISTRY LTD. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback. We're asked to provide a

GAC Advice Response Form for Applicants



statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore we reserve the right to limit our statements to those being approved by the ICANN New gTLD Program Committee.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	I-REGISTRY Ltd., Niederlassung Deutschland
Application ID	1-1003-97300
Applied for TLD (string)	ONLINE

Response:

Summary

I-REGISTRY Ltd., Niederlassung Deutschland (in the following “I-REGISTRY Ltd.”) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

I-REGISTRY Ltd. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .ONLINE by I-REGISTRY Ltd.

I-REGISTRY Ltd. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

According to our policies in question 18, we stated under “IV. Acceptable Use of .online Domain Names” the “5. Acceptable Use Policy”. I-REGISTRY Ltd. is aware that the use of the internet including the registration and use of internet domain names may effect third party’s rights, including but not limited to, personal rights, privacy rights, data privacy rights and intellectual property rights as well as criminal laws, civil laws and administrative laws, including the regulations concerning the privacy law and consumer protection.

I-REGISTRY Ltd. understands that aforesaid rights and laws might, as the case may be, follow different legislatures and jurisdictions due to the internationality of the internet. I-REGISTRY Ltd. respects and acknowledges the national legal systems of all national legitimate constitutional states as well as higher-level and superior laws, regulations and conventions and uses its best endeavors to anticipate and to impede any unlawful violations and infringements and to support law enforcements to the legitimate extent. That said, also I-REGISTRY Ltd.’s partners are expected to respect, acknowledge and comply with all the international legal provisions which might be effected, independent from the partner’s location, its seat of business or place of origin.

I-REGISTRY Ltd. developed different measures in order to meet this admission. For example I-REGISTRY Ltd. supports ICANN’s Transfer Dispute Resolution Process, established a rights protection system, provides a concrete and binding Anti-Abuse Policy, provides a point-of-contact information for reporting suspected abuse, commits to rapid identification and resolution of abuse including suspensions, ensures completeness of WHOIS information at the time of registration; publishing and maintains procedures for removing orphan glue records for names removed from the zone, and establishes measures to deter WHOIS abuse.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination, which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by I-REGISTRY Ltd. for .ONLINE on General Safeguards and Consumer Protection Safeguards

I-REGISTRY Ltd., the applicant for the .ONLINE Top-Level-Domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - I-REGISTRY Ltd. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. I-REGISTRY Ltd. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - I-REGISTRY Ltd. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, I-REGISTRY Ltd. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If I-REGISTRY Ltd. identifies security risks that pose an actual risk of harm, I-REGISTRY Ltd. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - I-REGISTRY Ltd. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. I-REGISTRY Ltd. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - I-REGISTRY Ltd. will ensure that there is a mechanism for making complaints to I-REGISTRY Ltd. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, I-REGISTRY Ltd. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

I-REGISTRY Ltd. commits to operate the gTLD in a way that is consistent with applicable laws, as this TLD is related to consumer protection, sensitive TLDs and/or regulated markets. The following safeguards will apply to .ONLINE:

1. I-REGISTRY Ltd. has already included in its acceptable use policy (according to section IV. Acceptable Use of .online Domain Names; 5. Acceptable Use) that registrants have 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. I-REGISTRY Ltd. will require registrars at the time of registration to notify registrants of this requirement. An example for this notification may be: „This can be technically accomplished by displaying the relevant guidelines and conditions to the registrant during the registration process. The registration can only be completed if the registrant confirms actively "I have read and understood these conditions and completely agree. I agree to abide to them.
3. I-REGISTRY Ltd. will require 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 and recognized industry standards.
4. I-REGISTRY Ltd. established a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including the development of a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities. To date, relations have been initiated with relevant self-regulatory bodies, and will be extended in the future.
5. Registrants will be required by I-REGISTRY Ltd. to notify to them a single point of contact 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.

I-REGISTRY will, if requested by ICANN and/or the GAC, file in addition to this document a binding “Public Interest Commitment” containing the above stated measures. We’re asked to provide a statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore we reserve the right to limit our statements to those being approved by the ICANN New gTLD Program Committee.

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, Annex I, and Annex II of the [GAC Beijing 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	Bugatti International SA
Application ID	1-1004-9564
Applied for TLD (string)	BUGATTI

Response:

Bugatti International SA, the applicant for the .BUGATTI top-level domain, welcomes and supports the GAC Advice as published on April 11, 2013, since the requested safeguards from GAC have always been fundamental principles for Bugatti International SA and have therefore been incorporated in the application accordingly. The GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

Bugatti International SA welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** General principles of operations for .BUGATTI by Bugatti International SA

Bugatti International SA would like to state, that:

1. We will respect human rights and fundamental freedoms

GAC Advice Response Form for Applicants



We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by Bugatti International SA for .BUGATTI based on General Safeguards

Bugatti International SA will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - Bugatti International SA will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Bugatti International SA will notify the relevant registrar of any inaccurate

or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - Bugatti International SA will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, Bugatti International SA will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Bugatti International SA identifies security risks that pose an actual risk of harm, Bugatti International SA will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - Bugatti International SA will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Bugatti International SA will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - Bugatti International SA will ensure that there is a mechanism for making complaints to Bugatti International SA that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, Bugatti International SA shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.
Bugatti International SA would like to note that registration policies will be setup according to this request.

Bugatti International SA would like to note that .BUGATTI is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore Bugatti International SA would like to state that the .BUGATTI is not in the public interest, but a representation of Intellectual property rights of Bugatti International SA.

However Bugatti International SA reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	SportAccord
Application ID	1-1012-71460
Applied for TLD (string)	SPORT

Response:

SPORTACCORD input in response to Beijing GAC advice

Even though the .sport TLD application is not directly mentioned in the GAC Advice, SportAccord would like to make the following statements with regard to the principles contained in the GAC Communiqué in relation to SportAccord’s .sport TLD application and from the perspective of the Sport community. SportAccord is the umbrella organisation for both Olympic and non-Olympic international sports federations as well as organisers of international sporting events.

A. Safeguards for the .sport TLD

The .sport TLD shares some of the specific characteristics of number of the categories mentioned by GAC. For instance, the .sport TLD

- is related to health and wellbeing;
- is specifically relevant in the education of children and youth;
- is in many cases an organized activity with sectoral and professional rules based on public interest principles.

This is why our application contains all the necessary safeguards to address GAC concerns, and these safeguards will be carried to .sport TLD Policies, Agreements and Dispute Resolution Procedures, as described below.

A.1. Registration policies

Registration in the .sport will be restricted to members of the Sport community, subject to the additional requirements that the registrant's role in the Sport community, as well as the registrant's use of the registered domain name, must be:

- (i) generally accepted as legitimate; and
- (ii) beneficial to the cause and the values of Sport; and
- (iii) commensurate with the role and importance of the registered domain name; and
- (iv) in good faith at the time of registration and thereafter.

A.2. Enforcement Mechanisms

We would like to specifically draw attention more to the enforcement mechanisms devised by SportAccord to maintain the quality of the TLD namespace and its compliance with the rules, and mitigate possible abuses.

In this regard, the following mechanism are particularly relevant and already clearly set forth in SportAccord's Application for the .sport TLD:

- 1 Rapid Takedown Policy for cases of general malicious conduct (Q28.1)
- 2 Rapid Takedown Policy for cases of phishing, with drastically shortened response times (Q28.2)
- 3 Single Point of Contact in case of complaints of abusive or non-compliant behavior by the Registry (Q28.3)
- 4 Admin Contact as Single Point of Contact in case of complaints of abusive or non-compliant behavior by the Registrant (Q20.e.1)
- 5 Ex-Officio Random Checks of the usage of registered Domain Names (Q29.2.1)
- 6 Complaints System (Q29.2.2)

All these mechanisms are in addition of the validation procedures established at registration time. We firmly believe that in conjunction with our registration policies and ICANN-mandated policies SportAccord adequately addresses all the safeguards outlined by GAC both for those applicable to all new gTLDs as well as the additional safeguards advised for certain categories of new gTLDs.

B. Community Applications

As applicant of .sport TLD on behalf of the Sport Community SportAccord would like to express its support to the GAC's position, as stated in Point IV.e of the Beijing GAC Communiqué:

"(...) that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information."

C. Singular/plural string confusion (.sport/.sports)

SportAccord joins the GAC's expression of concern about a TLD representing the plural form of a word while another TLD represents the singular form of the same word.

SportAccord filed a string confusion objection because an extremely high likelihood of confusion exists between “.sports” and “.sport”.

SportAccord was able to take action to prevent confusion between .sport/sports only because it is the applicant for the .sport TLD. The other applicants for .sport/sports did not file a string confusion objection.

This points to a serious flaw in the ICANN gTLD program. Even though string confusion is highly detrimental to members of the affected communities, a TLD registry lacking community accountability may find it profitable. The ICANN gTLD program should not rely on the self-interest of TLD operators alone to avoid TLD string confusion.

D. Community-related Needs to Protect the .sport Namespace

In addition to the concerns identified by the GAC, the .sport TLD is subject to a number of public policy objectives of specific importance to the Sport community.

The Sport community has a long-standing commitment to these goals, for example:

- Measures against illegal betting
- Measures against doping
- Measures against violence and hooliganism
- Measures against racism, discrimination and bullying

Achievements and progress in this respect would be jeopardized if the .sport TLD were to be operated without adequate community-based accountability and prudential policies.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	.APP Registry Inc.
Application ID	1-1013-7451
Applied for TLD (string)	APP

Response:

Dear ICANN Board & GAC,

First and foremost, .APP Registry Inc. thanks the GAC for providing a comprehensive set of advice to the ICANN Board on the subject of safeguards for new gTLDs. We also appreciate the opportunity to provide our response and feedback to the ICANN Board.

As a responsible new gTLD applicant, .APP Registry Inc. is glad to say that it has already included many measures in the submitted proposal to address the issues raised by the GAC, and believe that its proposal is compliant with the GAC advice. We further remain fully prepared to work closely with the GAC and GAC members on any area to further enhance the safeguard measures for the governance and management of the introduction and operations of the .APP gTLD in an orderly, secure and stable manner, technically and socially.

As a participant in the ICANN process, we are encouraged by the active participation of the GAC in the process. The GAC and governments are an important component of the ICANN process and the multi-stakeholder governance of the Internet’s root DNS. Many of the issues raised by the GAC advice are issues that are actively discussed by the ICANN community. Some of which are already included in the considerations for this round of new gTLDs (e.g. #28 Abuse Prevention and Mitigation), some others are currently being discussed within the ICANN process. For example, policy development processes for WHOIS are ongoing and registration

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and usage abuse issues continue to be examined, including especially where such abuse issues should be within or beyond the scope of ICANN's purview.

For such items, we understand that ongoing multi-stakeholder processes should not be circumvented, and remain diligent against such undermining. Nevertheless, we are fully prepared to improve on our proposed mechanisms in our application as well as to implement appropriate measures for .APP specifically as Registry policies before community wide ICANN policies are fully in place.

Finally, we also bring your attention to the ongoing work underway since the recent CEO Roundtables and further discussed at the DNS Summit (<http://blog.icann.org/2013/04/dns-summit-in-new-york/>). Especially the "proposals to codify ethical standards for DNS businesses", which may be an appropriate framework for addressing issues (e.g. content related) that may be beyond the scope of ICANN's policy mandate.

Attached further are specific responses to each of the issues raised in the GAC advice with excerpts from particular sections of the submitted .APP Registry Inc. proposal (<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/457?t:ac=457>) and how it complies with and relates to the GAC advice.

We look forward to continuing the dialogue with the ICANN board and the GAC to address any issues and put policies in place to mitigate against concerns in a constructive and prompt manner.

Sincerely,

.APP Registry Inc.

.APP. Response to GAC Communiqué – Beijing April 11, 2013

Annex I

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

Safeguards Applicable to all New gTLDs

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

We are prepared to be subjected to contractual oversight for safeguards applicable to all new gTLDs.

1. WHOIS verification and checks — Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

We are supportive of the direction for this advice and believe that we are already compliant. The scope and specific standard implementation of such policies may best be developed as a product of the ongoing WHOIS policy development process.

Nevertheless, individual Registry policies can provide the interim solution for this safeguard. We, along with our Technical Services Provider Afilias, have already

provided some of these mechanisms in our original response to #28 Abuse Prevention and Mitigation:

Methods to promote WHOIS accuracy

The creation and maintenance of accurate WHOIS records is an important part of registry management. As described in our response to question #26, WHOIS, the registry operator will manage a secure, robust and searchable WHOIS service for this TLD.

WHOIS data accuracy

The registry operator will offer a “thick” registry system. In this model, all key contact details for each domain name will be stored in a central location by the registry. This allows better access to domain data, and provides uniformity in storing the information. The registry operator will ensure that the required fields for WHOIS data (as per the defined policies for the TLD) are enforced at the registry level. This ensures that the registrars are providing required domain registration data. Fields defined by the registry policy to be mandatory are documented as such and must be submitted by registrars. The Afilius registry system verifies formats for relevant individual data fields (e.g. e-mail, and phone/fax numbers). Only valid country codes are allowed as defined by the ISO 3166 code list. The Afilius WHOIS system is extensible, and is capable of using the VAULT system, described further below.

Similar to the centralized abuse point of contact described above, the registry operator can institute a contact email address which could be utilized by third parties to submit complaints for inaccurate or false WHOIS data detected. This information will be processed by Afilius’ support department and forwarded to the registrars. The registrars can work with the registrants of those domains to address these complaints. Afilius will audit registrars on a yearly basis to verify whether the complaints being forwarded are being addressed or not. This functionality, available to all registry operators, is activated based on the registry operator’s business policy.

Afilius also incorporates a spot-check verification system where a randomly selected set of domain names are checked periodically for accuracy of WHOIS data. Afilius’ .PRO registry system incorporates such a verification system whereby 1% of total registrations or 100 domains, whichever number is larger, are spot-checked every month to verify the domain name registrant’s critical information provided with the domain registration data. With both a highly qualified corps of engineers and a 24x7 staffed support function, Afilius has the capacity to integrate such spot-check functionality into this TLD, based on the registry operator’s business policy. Note: This functionality will not work for proxy protected WHOIS information, where registrars or their resellers have the actual registrant data. The solution to that problem lies with either registry or registrar policy, or a change in the general marketplace practices with respect to proxy registrations.

Finally, Afiliias' registry systems have a sophisticated set of billing and pricing functionality which aids registry operators who decide to provide a set of financial incentives to registrars for maintaining or improving WHOIS accuracy. For instance, it is conceivable that the registry operator may decide to provide a discount for the domain registration or renewal fees for validated registrants, or levy a larger cost for the domain registration or renewal of proxy domain names. The Afiliias system has the capability to support such incentives on a configurable basis, towards the goal of promoting better WHOIS accuracy.

Role of registrars

As part of the RRA (Registry Registrar Agreement), the registry operator will require the registrar to be responsible for ensuring the input of accurate WHOIS data by their registrants. The Registrar/Registered Name Holder Agreement will include a specific clause to ensure accuracy of WHOIS data, and to give the registrar rights to cancel or suspend registrations if the Registered Name Holder fails to respond to the registrar's query regarding accuracy of data. ICANN's WHOIS Data Problem Reporting System (WDPRS) will be available to those who wish to file WHOIS inaccuracy reports, as per ICANN policy (<http://wdprs.internic.net/>).

The above are the baseline abuse prevention and mitigation measures of the registry. The registry is prepared to work with ICANN and the GAC to further enhance the measures where appropriate.

2. Mitigating abusive activity — Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are prepared to and have already proposed to include in our Registry-Registrar Agreement (RRA) provisions to ensure that terms of use for registrants include prohibitions against abusive activities.

The following is an extract from our response to #28 Abuse Prevention and Mitigation:

.APP Anti-Abuse Policy

The following Anti-Abuse Policy is effective upon launch of the TLD. Malicious use of domain names will not be tolerated. The nature of such abuses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. The registry operator definition of abusive use of a domain includes, without limitation, the following:

- *Illegal or fraudulent actions;*

- *Spam: The use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums;*
- *Phishing: The use of counterfeit web pages that are designed to trick recipients into divulging sensitive data such as personally identifying information, usernames, passwords, or financial data;*
- *Pharming: The redirecting of unknowing users to fraudulent sites or services, typically through, but not limited to, DNS hijacking or poisoning;*
- *Willful distribution of malware: The dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and Trojan horses.*
- *Malicious fast-flux hosting: Use of fast-flux techniques with a botnet to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities.*
- *Botnet command and control: Services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct distributed denial-of-service attacks (DDoS attacks);*
- *Illegal Access to Other Computers or Networks: Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity).*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

3. Security checks — While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

We are supportive of proactive measures to ensure the security and stability of the Internet. As indicated in the GAC advice, the respecting of privacy and confidentiality is paramount. Furthermore, while the inclusion of appropriate terms of use for registrants as described in “2. Mitigating abusive activity” above provides an effective enforcement mechanism, the subject matter of certain threats may traverse beyond the purview of ICANN policy coordination. For example matters concerning content. Such determination may best be addressed in proper ICANN policy development processes if implemented as a contractual and enforcement matter by ICANN.

Nevertheless, the Registry is fully prepared to implement policies within the registry and have already proposed such mechanisms in our original application under #28 Abuse Prevention and Mitigation:

Different types of malicious activities require different methods of investigation and documentation. Further, the registry operator expects to face unexpected or complex situations that call for professional advice, and will rely upon professional, trained investigators as needed.

In general, there are two types of domain abuse that must be addressed:

- a) Compromised domains. These domains have been hacked or otherwise compromised by criminals, and the registrant is not responsible for the malicious activity taking place on the domain. For example, the majority of domain names that host phishing sites are compromised. The goal in such cases is to get word to the registrant (usually via the registrar) that there is a problem that needs attention with the expectation that the registrant will address the problem in a timely manner. Ideally such domains do not get suspended, since suspension would disrupt legitimate activity on the domain.*
- b) Malicious registrations. These domains are registered by malefactors for the purpose of abuse. Such domains are generally targets for suspension, since they have no legitimate use.*

The standard procedure is that the registry operator will forward a credible alleged case of malicious domain name use to the domain's sponsoring registrar with a request that the registrar investigate the case and act appropriately. The registrar will be provided evidence collected as a result of the investigation conducted by the trained abuse handlers. As part of the investigation, if inaccurate or false WHOIS registrant information is detected, the registrar is notified about this. The registrar is the party with a direct relationship with—and a direct contract with—the registrant. The registrar will also have vital information that the registry operator will not, such as:

- Details about the domain purchase, such as the payment method used (credit card, PayPal, etc.);*

- The identity of a proxy-protected registrant;*
- The purchaser's IP address;*
- Whether there is a reseller involved, and;*
- The registrant's past sales history and purchases in other TLDs (insofar as the registrar can determine this).*

Registrars do not share the above information with registry operators due to privacy and liability concerns, among others. Because they have more information with which to continue the investigation, and because they have a direct relationship with the registrant, the registrar is in the best position to evaluate alleged abuse. The registrar can determine if the use violates the registrar's legal terms of service or the registry Anti-Abuse Policy, and can decide whether or not to take any action. While the language and terms vary, registrars will be expected to include language in their registrar-registrant contracts that indemnifies the registrar if it takes action, and

allows the registrar to suspend or cancel a domain name; this will be in addition to the registry Anti-Abuse Policy. Generally, registrars can act if the registrant violates the registrar's terms of service, or violates ICANN policy, or if illegal activity is involved, or if the use violates the registry's Anti-Abuse Policy.

If a registrar does not take action within a time period indicated by the registry operator (usually 24 hours), the registry operator might then decide to take action itself. At all times, the registry operator reserves the right to act directly and immediately if the potential harm to Internet users seems significant or imminent, with or without notice to the sponsoring registrar.

The registry operator will be prepared to call upon relevant law enforcement bodies as needed. There are certain cases, for example, Illegal pharmacy domains, where the registry operator will contact the Law Enforcement Agencies to share information about these domains, provide all the evidence collected and work closely with them before any action will be taken for suspension. The specific action is often dependent upon the jurisdiction of which the registry operator, although the operator in all cases will adhere to applicable laws and regulations.

When valid court orders or seizure warrants are received from courts or law enforcement agencies of relevant jurisdiction, the registry operator will order execution in an expedited fashion. Compliance with these will be a top priority and will be completed as soon as possible and within the defined timelines of the order. There are certain cases where Law Enforcement Agencies request information about a domain including but not limited to:

- *Registration information*
- *History of a domain, including recent updates made*
- *Other domains associated with a registrant's account*
- *Patterns of registrant portfolio*

Requests for such information is handled on a priority basis and sent back to the requestor as soon as possible. Afilias sets a goal to respond to such requests within 24 hours.

The registry operator may also engage in proactive screening of its zone for malicious use of the domains in the TLD, and report problems to the sponsoring registrars. The registry operator could take advantage of a combination of the following resources, among others:

- *Blocklists of domain names and nameservers published by organizations such as SURBL and Spamhaus.*
- *Anti-phishing feeds, which will provide URLs of compromised and maliciously registered domains being used for phishing.*
- *Analysis of registration or DNS query data [DNS query data received by the TLD nameservers.]*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Documentation — Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

We are supportive of the conceptual directive and are prepared to maintain such documentation. We however caution about misinterpretation and/or misuse of such statistical data.

As proposed in our application (under #28 Abuse Prevention and Mitigation):

The registry operator will keep records and track metrics regarding abuse and abuse reports. These will include:

- *Number of abuse reports received by the registry's abuse point of contact described above;*
- *Number of cases and domains referred to registrars for resolution;*
- *Number of cases and domains where the registry took direct action;*
- *Resolution times;*
- *Number of domains in the TLD that have been blacklisted by major anti-spam blacklist providers, and;*
- *Phishing site uptimes in the TLD.*

...

The security function includes a communication and outreach function, with information sharing with industry partners regarding malicious or abusive behavior, in order to ensure coordinated abuse mitigation across multiple TLDs.

Assessing abuse reports requires great care, and the registry operator will rely upon professional, trained investigators who are versed in such matters. The goals are accuracy, good record-keeping, and a zero false-positive rate so as not to harm innocent registrants.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or

copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are supportive of this advice and believe that our original proposal is already compliant with the GAC advice. Description of the mechanisms for handling complaints have been included in our response to #28 Abuse Prevention and Mitigation:

Abuse point of contact and procedures for handling abuse complaints

The registry operator will establish an abuse point of contact. This contact will be a role-based e-mail address of the form "abuse@registry.APP". This e-mail address will allow multiple staff members to monitor abuse reports on a 24x7 basis, and then work toward closure of cases as each situation calls for. For tracking purposes, the registry operator will have a ticketing system with which all complaints will be tracked internally. The reporter will be provided with the ticket reference identifier for potential follow-up. Afiliias will integrate its existing ticketing system with the registry operator's to ensure uniform tracking and handling of the complaint. This role-based approach has been used successfully by ISPs, e-mail service providers, and registrars for many years, and is considered a global best practice.

The registry operator's designated abuse handlers will then evaluate complaints received via the abuse system address. They will decide whether a particular issue is of concern, and decide what action, if any, is appropriate.

In general, the registry operator will find itself receiving abuse reports from a wide variety of parties, including security researchers and Internet security companies, financial institutions such as banks, Internet users, and law enforcement agencies among others. Some of these parties may provide good forensic data or supporting evidence of the malicious behavior. In other cases, the party reporting an issue may not be familiar with how to provide such data or proof of malicious behavior. It is expected that a percentage of abuse reports to the registry operator will not be actionable, because there will not be enough evidence to support the complaint (even after investigation), and because some reports or reporters will simply not be credible.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

We are supportive of including mechanisms to suspend a domain name against abusive activities and believe we are already compliant with the GAC advice. In our proposal (under #28 Abuse Prevention and Mitigation and #29 Rights Protection Mechanisms), we have already included mechanisms to disqualify, suspend, cancel or delete domain registrations where appropriate:

Pursuant to the Registry-Registrar Agreement, registry operator reserves the right at its sole discretion to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary: (1) to protect the integrity and stability of the registry; (2) to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the registration agreement and this Anti-Abuse Policy, or (5) to correct mistakes made by registry operator or any registrar in connection with a domain name registration. Registry operator also reserves the right to place upon registry lock, hold, or similar status a domain name during resolution of a dispute.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

Category 1 Consumer Protection, Sensitive Strings, and Regulated Markets:

The GAC Advises the ICANN Board:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.

We are prepared to be and believe that our proposal is already compliant with this advice.

As part of our response to #28 Abuse Prevention and Mitigation, we have included provisions to ensure that registrants comply with all applicable laws:

The registry operator definition of abusive use of a domain includes, without limitation, the following:

- *Illegal or fraudulent actions;*

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- *Spam;*
- *Phishing;*
- *Pharming;*
- *Willful distribution of malware;*
- *Malicious fast-flux hosting;*
- *Botnet command and control;*
- *Illegal Access to Other Computers or Networks.*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

We are prepared to be and believe our proposal is compliant with this advice. The Registry will specify in its Registry-Registrar Agreement (RRA) that all registrants must be notified of this requirement at the time of registration.

3. Registry operators will require 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 and recognized industry standards.

We are prepared to be and believe that our proposal is already compliant with this advice. As described in 1. above, illegal behaviour under applicable law is considered abusive activities disallowed by the registry. The Registry will have the ability to utilize the APM (Abuse Prevention & Mitigation) mechanisms to suspend, cancel, delete or otherwise take action against the domain registration.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Establish a working relationship with the relevant regulatory, or industry self--regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

We are supportive of and fully prepared to be compliant with this advice.

Because of the nature of “.APP” and because it is not as much a “regulated” industry we remain prepared to work with the GAC and GAC members to appropriately identify all relevant bodies to develop a strategy to maintain a working relationship with them, as well as to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

We are supportive of the conceptual direction of this advice to be able to connect with registrants in a timely fashion. At the same time, we also understand that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant.

Nevertheless, in balancing the above considerations, it is possible to setup an “Operations and Notifications Contact” (for example, this was approach was successfully implemented to address similar conditions during the original .ASIA ASCII launch), which Registrars and/or registrants may select to nominate, with default being either the Registrar contact or the Admin Contact for the registrant.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:

6. At the time of registration, the registry operator must verify and validate the registrants’ authorisations, charters, licenses and/or other related credentials for participation in that sector.

Credentials of registrants will be checked with the Registrant pre-verification and authentication process as part of the Abuse prevention and mitigation mechanisms (#28):

Registrant pre-verification and authentication

One of the systems that could be used for validity and identity authentication is VAULT (Validation and Authentication Universal Lookup). It utilizes information obtained from a series of trusted data sources with access to billions of records containing data about individuals for the purpose of providing independent age and id verification as well as the ability to incorporate additional public or private data sources as required.

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At present it has the following: US Residential Coverage - 90% of Adult Population and also International Coverage - Varies from Country to Country with a minimum of 80% coverage (24 countries, mostly European).

Various verification elements can be used. Examples might include applicant data such as name, address, phone, etc. Multiple methods could be used for verification include integrated solutions utilizing API (XML Application Programming Interface) or sending batches of requests.

- Verification and Authentication requirements would be based on TLD operator requirements or specific criteria.*
- Based on required WHOIS Data; registrant contact details (name, address, phone)*
- If address/ZIP can be validated by VAULT, the validation process can continue (North America +25 International countries)*
- If in-line processing and registration and EPP/API call would go to the verification clearinghouse and return up to 4 challenge questions.*
- If two-step registration is required, then registrants would get a link to complete the verification at a separate time. The link could be specific to a domain registration and pre-populated with data about the registrant.*
- If WHOIS data is validated a token would be generated and could be given back to the registrar which registered the domain.*
- WHOIS data would reflect the Validated Data or some subset, i.e., fields displayed could be first initial and last name, country of registrant and date validated. Other fields could be generic validation fields much like a “privacy service”.*
- A “Validation Icon” customized script would be sent to the registrants email address. This could be displayed on the website and would be dynamically generated to avoid unauthorized use of the Icon. When clicked on the Icon would show limited WHOIS details i.e. Registrant: jdoe, Country: USA, Date Validated: March 29, 2011, as well as legal disclaimers.*
- Validation would be annually renewed, and validation date displayed in the WHOIS.*

Eligibility of Registrants are verified and subject to challenge during startup phases including Sunrise. We plan to gradually open up the namespace for general registration while continuing requiring registrants to abide by registration policies. Pre-verification processes will be simplified gradually with increased post-registration enforcement supported by anti-abuse measures as described above and in our application #28 Abuse Prevention and Mitigation.

We are prepared to explore to include additional safeguards and moderate the pre-verification processes where appropriate in consultation with ICANN and the GAC.

<p>7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.</p>
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We are supportive of and fully prepared to be compliant with the advice.

As mentioned in 4. above, we are prepared to work with the GAC and GAC members to identify relevant authorities, organizations and bodies to refer to for various processes, including to assess authenticity and consider appropriateness of activities for domain registrations.

We are prepared to explore to include additional safeguards and to identify and work closely with other relevant authorities where appropriate in consultation with ICANN and the GAC.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

That being said, we again emphasize that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant. Therefore, while we will proactively check compliance, in terms of enforcement, we intend to work closely with Registrars to administer corrective measures.

Furthermore, we will develop and implement processes for community, industry and/or public reporting of compliancy issues. These have been included in our responses to #28 and #29 of our application.

We are prepared to explore to include additional safeguards and processes where appropriate in consultation with ICANN and the GAC.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	myLTD GmbH
Application ID	1-1013-19866
Applied for TLD (string)	LTD

Response:

myLTD GmbH (myLTD), as an applicant for the .LTD TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

myLTD supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, myLTD will design and position the .LTD TLD to be known as one of the premiere professional resources on the Internet. The mission of the .LTD TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their LTD entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

myLTD in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates myLTD policies. Above all, myLTD has already provided an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its Public Interest Commitment (PIC).

myLTD has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

myLTD understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .LTD TLD as a corporate identifier meets or exceeds

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ICANN's requirements in this area. Additionally, myLTD has submitted the Public Interest Commitment (PIC); "Only companies that are registered as LTD qualify to be a registrant of a .LTD domain name. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration".

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

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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, Annex I, and Annex II of the [GAC Beijing 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	DOMAIN ROBOT SERVICOS DE HOSPEDAGEM NA INTERNET LTDA
Application ID	1-1013-35966
Applied for TLD (string)	LTDA

Response:

DOMAIN ROBOT SERVICOS DE HOSPEDAGEM NA INTERNET LTDA (DOMAIN ROBOT), as an applicant for the .LTDA TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

DOMAIN ROBOT supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, DOMAIN ROBOT will design and position the .LTDA TLD to be known as one of the premiere professional resources on the Internet. The mission of the .LTDA TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their LTDA entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

DOMAIN ROBOT in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates DOMAIN ROBOT policies. Above all, DOMAIN ROBOT will have an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its commitment.

DOMAIN ROBOT has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

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DOMAIN ROBOT understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .LTDA TLD as a corporate identifier meets or exceeds ICANN’s requirements in this area. Additionally, DOMAIN ROBOT is willing to limit registrant eligibility to “only companies that are registered as a LTDA. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration”.

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	myLLC GmbH
Application ID	1-1013-43904
Applied for TLD (string)	LLC

Response:

myLLC GmbH (myLLC), as an applicant for the .LLC TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

myLLC supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, myLLC will design and position the .LLC TLD to be known as one of the premiere professional resources on the Internet. The mission of the .LLC TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their LLC entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

myLLC in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates myLLC policies. Above all, myLLC will have an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its commitment.

myLLC has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

myLLC understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .LLC TLD as a corporate identifier meets or exceeds ICANN’s requirements in this area. Additionally, myLLC is willing to limit registrant eligibility to

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“only companies that are registered as a LLC. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration”.

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Afilias Limited, Afilias Domains No. 1 through 5
Application ID	1-1013-47551 1-1013-6638 1-1013-74175 1-1013-78434 1-1013-94737 1-868-21199 1-868-24255 1-868-24661 1-868-27848 1-868-34317 1-868-3442 1-868-35885 1-868-39920 1-868-46640 1-868-6380 1-868-65445 1-868-66341 1-868-66930 1-868-7047 1-868-71271 1-868-74058 1-868-75631 1-868-7904 1-868-81619 1-868-82489 1-868-84727 1-868-85241 1-868-87246 1-868-8822 1-868-93793 1-868-95281

GAC Advice Response Form for Applicants



Applied for TLD (string)	MAIL WEB BLOG DESI POKER BET BLUE GREEN PINK TEAM HEALTH SHIKSHA APP MEMORIAL INC LLC WINE ORGANIC 信息 (INFO) MLS BLACK RADIO LOTTO KIM 移动 (MOBI) LTD MEET CASINO LGBT RED PET
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Response:

Afilias, as an Applicant for the 31 TLDs, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting. We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

Afilias supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our applications, Afilias has already included many measures to address the issues raised by the GAC, and we intend to work closely with the ICANN and GAC members on any additional areas to further enhance internet security and stability.

We understand the need for adequate consumer protections upon the deployment of new TLDs, and we believe our applications meet or exceed ICANN's requirements in this area. Additionally, we have already submitted Public Interest Commitments (PICs) on some of our applications and would consider additional PICs, as is deemed appropriate for each of the TLD strings.

GAC Advice Response Form for Applicants



With respect to the advice contained in the GAC Communique, we generally support the comments of the New TLD Applicant Group (NTAG) and the Registry Constituency (RySG), which are submitted separately.

Thank you for the opportunity to comment on this important topic.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	mySARL GmbH
Application ID	1-1013-83132
Applied for TLD (string)	SARL

Response:

mySARL GmbH (mySARL), as an applicant for the .SARL TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

mySARL supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, mySARL will design and position the .SARL TLD to be known as one of the premiere professional resources on the Internet. The mission of the .SARL TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their SARL entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

mySARL in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates mySARL policies. Above all, mySARL has already provided an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its Public Interest Commitment (PIC).

mySARL has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

mySARL understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .SARL TLD as a corporate identifier meets or

GAC Advice Response Form for Applicants



exceeds ICANN's requirements in this area. Additionally, mySARL has submitted the Public Interest Commitment (PIC); "Only companies that are registered as SARL qualify to be a registrant of a .SARL domain name. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration".

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

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, Annex I, and Annex II of the [GAC Beijing 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	myLLP GmbH
Application ID	1-1013-89480
Applied for TLD (string)	LLP

Response:

myLLP GmbH (myLLP), as an applicant for the .LLP TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

myLLP supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, myLLP will design and position the .LLP TLD to be known as one of the premiere professional resources on the Internet. The mission of the .LLP TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their LLP entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

myLLP in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates myLLP policies. Above all, myLLP will have an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its commitment.

myLLP has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

myLLP understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .LLP TLD as a corporate identifier meets or exceeds ICANN’s requirements in this area. Additionally, myLLP is willing to limit registrant eligibility to

GAC Advice Response Form for Applicants



“only companies that are registered as a LLP. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration”.

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	mySRL GmbH
Application ID	1-1013-93642
Applied for TLD (string)	SRL

Response:

mySRL GmbH (mySRL), as an applicant for the .SRL TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

mySRL supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLDs in a safe, secure and responsible manner. As detailed in our application, mySRL will design and position the .SRL TLD to be known as one of the premiere professional resources on the Internet. The mission of the .SRL TLD is to provide businesses a namespace on the Internet to establish meaningful and relevant identities and to promote their SRL entity. The primary purpose is to foster a sense of professionalism and trust among customers, businesses and organizations.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

mySRL in general supports many of the elements of the GAC advice, including: WHOIS verification and checks; mitigations for abusive activity; security checks and documentation; prompt addressing of complaints; and the establishment of specific consequences for activity that violates mySRL policies. Above all, mySRL has already provided an Acceptable Use Policy (registrants have to comply with all applicable law) as part of its Public Interest Commitment (PIC).

mySRL has consulted relevant authorities on issues which were raised in the application process. Furthermore, we will operate in accordance with all applicable laws in relevant respective jurisdictions.

mySRL understands the need for adequate consumer protections upon the deployment of new TLDs, and we believe our application for the .SRL TLD as a corporate identifier meets or exceeds

GAC Advice Response Form for Applicants



ICANN's requirements in this area. Additionally, mySRL has submitted the Public Interest Commitment (PIC); "Only companies that are registered as SRL qualify to be a registrant of a .SRL domain name. Such registration must be granted by a governmental body, or an organization authorized by a governmental body to issue such registration".

With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which will be submitted separately.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	AVERY DENNISON CORPORATION
Application ID	1-1015-61446
Applied for TLD (string)	avery

Response:

To ICANN Board for consideration.

We understand your request to receive additional feedback from applicants in regards to the recommendation made by the GAC as stated in the "Beijing Communiqué".

Please feel free to share this feedback below with the GAC.

We recognize the GAC concerns particularly in regard to implementing safeguard mechanisms as described in the applications for instance in question 28, 29 and 30a/b into the gTLD agreement (contract between ICANN and us individual applicants/registry operators.)

As a large and recognized brand within our industry, we expect to be held responsible to operate our TLD(s) in a manner that is in compliance with local and international legislation. We have emphasized the need for a safe zone, where the internet users, when accessing websites under (any of) our gTLDs() will be certain that they have reached an authorized website, promoting our industry specific and industry regulated services.

We further support any new mechanisms and policies that will strengthen the WHOIS Accuracy and are willing to implement that into our Public interest commitment (spec 11) as part of the new gTLD agreements we are to enter with ICANN.

Thank you very much for this opportunity to highlight our view on these issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	RR Bowker LLC
Application ID	1-1020-75316
Applied for TLD (string)	book

Response:

RR Bowker LLC (Bowker), as an Applicant for the .book TLD, is pleased to submit these comments regarding the GAC Communiqué from the Beijing meeting.

Bowker supports the efforts of ICANN and the Governmental Advisory Committee (GAC) to deploy the new TLD’s in a safe, secure and responsible manner. Bowker is a global provider of industry-leading tools and services that make books easier for people to discover, evaluate, order, and experience, as well as a provider of services to publishers that deliver key insights of readership worldwide.

Bowker believes an “open” .book registry will broaden and facilitate the connection between readers and content, authors, publishers, booksellers, and book communities worldwide, significantly enhancing the discovery of books & e-books. Therefore, our mission & goal of the .book registry is to connect readers with content, authors, publishers, and booksellers worldwide to significantly enhance the discovery of books & ebooks, or related content and services.

We appreciate the effort of the GAC in preparing the Beijing Communiqué as well as the opportunity presented by ICANN to offer our comments.

Bowker understands the need for adequate consumer protections upon the deployment of new TLD’s, and we believe our application for an open .book TLD meets or exceeds ICANN’s requirements in this area. With respect to the advice contained in the GAC Communiqué, we generally support the comments of the New TLD Applicant Group (NTAG), which have been will be submitted separately.

Thank you for the opportunity to comment on this important topic.

GAC Advice Response Form for Applicants



GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	ACO Severin Ahlmann GmbH & Co. KG
Application ID	1-1026-17004
Applied for TLD (string)	ACO

Response:

Summary

ACO SEVERIN AHLMANN GMBH & CO. KG welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

ACO SEVERIN AHLMANN GMBH & CO. KG welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .ACO by ACO SEVERIN AHLMANN GMBH & CO. KG

ACO SEVERIN AHLMANN GMBH & CO. KG would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by ACO SEVERIN AHLMANN GMBH & CO. KG for .ACO based on General Safeguards

ACO SEVERIN AHLMANN GMBH & CO. KG, the applicant for the .ACO top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - ACO SEVERIN AHLMANN GMBH & CO. KG will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. ACO SEVERIN AHLMANN GMBH & CO. KG will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - ACO SEVERIN AHLMANN GMBH & CO. KG will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, ACO SEVERIN AHLMANN GMBH & CO. KG will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If ACO SEVERIN AHLMANN GMBH & CO. KG identifies security risks that pose an actual risk of harm, ACO SEVERIN AHLMANN GMBH & CO. KG will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - ACO SEVERIN AHLMANN GMBH & CO. KG will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. ACO SEVERIN AHLMANN GMBH & CO. KG will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - ACO SEVERIN AHLMANN GMBH & CO. KG will ensure that there is a mechanism for making complaints to ACO SEVERIN AHLMANN GMBH & CO. KG that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, ACO SEVERIN AHLMANN GMBH & CO. KG shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

ACO SEVERIN AHLMANN GMBH & CO. KG would like to note that registration policies will be setup according to this request.

ACO SEVERIN AHLMANN GMBH & CO. KG would like to note that .ACO is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore ACO SEVERIN AHLMANN GMBH & CO. KG would like to state that the .ACO is not in the public interest, but a representation of Intellectual property rights of ACO SEVERIN AHLMANN GMBH & CO. KG.

However ACO SEVERIN AHLMANN GMBH & CO. KG reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Symantec Corporation
Application ID	1-1027-19707
Applied for TLD (string)	CLOUD

Response:

Symantec Corporation (“Symantec”) is a leading global provider of information security and protection, providing security, storage, and systems management solutions to help our customers secure and manage their information and identities. Symantec is committed to fulfilling our core purpose of protecting our customers’ information and identities with full attention to and respect for ethical operation, the environment, and positive societal impact.

In the business-critical areas of security and data protection, Symantec provides a backbone of strength that makes it safe to consume services from the cloud. In line with our overarching mission, Symantec plans to operate the .CLOUD gTLD as a trusted, hierarchical, secure, and intuitive namespace to support Symantec’s cloud computing services. Symantec will operate .CLOUD as a closed registry. In doing so, Symantec will conduct all operations within .CLOUD with our commitment to consumer and data protection expected from the world’s leader in security and with adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

The operation of a closed registry will allow Symantec to collect any data within .CLOUD using appropriate security controls and with adherence to online privacy standards. In doing so, Symantec will create a safe online space for consumers, free from many of the risks associated with conducting business online.

Finally, given Symantec’s dedication to consumer protection, data security, and corporate responsibility, we maintain relationships with regulators within the technology and security sectors. Symantec will continue to engage these entities in conjunction with the operation of the .CLOUD gTLD.

GAC Advice Response Form for Applicants



The Governmental Advisory Committee’s Beijing Communiqué identifies the “Intellectual Property” sector, including .CLOUD, as a regulated sector to which additional safeguards should apply and advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” We hope this quells any concerns that the Board might have in association with the .CLOUD gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding Symantec’s .CLOUD application.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Symantec Corporation
Application ID	1-1027-34295
Applied for TLD (string)	ANTIVIRUS

Response:

Symantec Corporation (“Symantec”) is a leading global provider of information security and protection, providing security, storage, and systems management solutions to help our customers secure and manage their information and identities. Symantec is committed to fulfilling our core purpose of protecting our customers’ information and identities with full attention to and respect for ethical operation, the environment, and positive societal impact.

In line with our overarching mission, Symantec plans to operate the .ANTIVIRUS gTLD as a trusted, hierarchical, secure, and intuitive namespace to support Symantec’s antivirus software. Symantec will operate .ANTIVIRUS as a closed registry. In doing so, Symantec will conduct all operations within .ANTIVIRUS in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, Symantec will create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee’s Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .ANTIVIRUS as a generic string seeking exclusive registry access.

We hope this quells any concerns that the Board might have associated with the .ANTIVIRUS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Symantec’s .ANTIVIRUS application.

GAC Advice Response Form for Applicants



GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Symantec Corporation
Application ID	1-1027-42662
Applied for TLD (string)	PROTECTION

Response:

Symantec Corporation (“Symantec”) is a leading global provider of information security and protection, providing security, storage, and systems management solutions to help our customers secure and manage their information and identities. Symantec is committed to fulfilling our core purpose of protecting our customers’ information and identities with full attention to and respect for ethical operation, the environment, and positive societal impact.

In the business-critical areas of security and data protection, Symantec provides a backbone of strength that makes it safer for consumers to navigate the web. In line with our overarching mission, Symantec plans to operate the .PROTECTION gTLD as a trusted, hierarchical, secure, and intuitive namespace to support Symantec’s protection product and service offerings. Symantec will operate .PROTECTION as a closed registry. In doing so, Symantec will conduct all operations within .PROTECTION with our commitment to consumer and data protection expected from the world’s leader in security and with adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

The operation of a closed registry will allow Symantec to collect any data within .PROTECTION using appropriate security controls and with adherence to online privacy standards. In doing so, Symantec will create a safe online space for consumers, free from many of the risks associated with conducting business online.

Finally, given Symantec’s dedication to consumer protection, data security, and corporate responsibility, we maintain relationships with regulators within the technology and security

GAC Advice Response Form for Applicants



sectors. Symantec will continue to engage these entities in conjunction with the operation of the .PROTECTION gTLD.

The Governmental Advisory Committee's Beijing Communiqué recommends a number of Safeguards for strings within identified regulated or professional sectors, and advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." While Symantec's .PROTECTION application was not explicitly named, we hope this quells any concerns that the Board might have in association with the .PROTECTION gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding Symantec's .PROTECTION application.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Symantec Corporation
Application ID	1-1027-69486
Applied for TLD (string)	SECURITY

Response:

Symantec Corporation (“Symantec”) is a leading global provider of information security and protection, providing security, storage, and systems management solutions to help our customers secure and manage their information and identities. Symantec is committed to fulfilling our core purpose of protecting our customers’ information and identities with full attention to and respect for ethical operation, the environment, and positive societal impact.

In the business-critical areas of security and data protection, Symantec provides a backbone of strength that makes it safer for consumers to navigate the web. In line with our overarching mission, Symantec plans to operate the .SECURITY gTLD as a trusted, hierarchical, secure, and intuitive namespace to support Symantec’s security product and service offerings. Symantec will operate .SECURITY as a closed registry. In doing so, Symantec will conduct all operations within .SECURITY with our commitment to consumer and data protection expected from the world’s leader in security and with adherence to a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

The operation of a closed registry will allow Symantec to collect any data within .SECURITY using appropriate security controls and with adherence to online privacy standards. In doing so, Symantec will create a safe online space for consumers, free from many of the risks associated with conducting business online.

Finally, given Symantec’s dedication to consumer protection, data security, and corporate responsibility, we maintain relationships with regulators within the technology and security

GAC Advice Response Form for Applicants



sectors. Symantec will continue to engage these entities in conjunction with the operation of the .SECURITY gTLD.

The Governmental Advisory Committee's Beijing Communiqué recommends a number of Safeguards for strings within identified regulated or professional sectors, and advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." While Symantec's .SECURITY application was not explicitly named, we hope this quells any concerns that the Board might have in association with the .SECURITY gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding Symantec's .SECURITY application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Aesthetics Practitioners Advisory Network Pty Ltd
Application ID	1-1028-58177
Applied for TLD (string)	.salon

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the "Beijing Advice") and focusses specifically on the publication of the "Safeguards Applicable to all New gTLD's" (the "Safeguards") as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that "the process for GAC Advice for 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." We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement ("RA") that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion - we are in the territory of take it or leave it.

Faced with such, we have no option but to agree to the Safeguards in part as further described below. However, we would flag that such agreement and response is made under severe duress. Safeguards

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Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint "handling" is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD. Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

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If ICANN were so minded, we would be willing to consider wording of the following order:-
"Registry Operator will adhere to the following "Safeguards Applicable to all New gTLD's" as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6"

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Mark D Viney

Director APAN P/L

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Respondent:

Applicant Name	punkt.wien GmbH
Application ID	1-1030-79531
Applied for TLD (string)	wien

Response:

SUMMARY

punkt.wien GmbH welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

punkt.wien GmbH welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non - discrimination.”

*** COMMUNITY-BASED APPLICATION FOR <.WIEN> BY punkt.wien GmbH ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

GAC Advice Response Form for Applicants



WE SERVE THE INTERESTS OF THE COMMUNITY AND THE PUBLIC

Our application for the string <.WIEN> is a community-based application. Members of the <.WIEN> Community are natural persons, legal persons, organizations or associations of persons, if they can demonstrate that they have an economic, cultural, touristical, historical, social or any other connection to the Austrian capital WIEN.

We have been successfully working since 2011 on building a long-lasting relationship to the various stakeholders of the respective community including

1. City organizations and authorities;
2. Commercial associations;
3. Companies;
4. Civil society organizations.

The community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with all relevant public and private entities that make up the community.

GENERAL PRINCIPLES OF OPERATIONS FOR <.WIEN> BY punkt.wien GmbH

punkt.wien GmbH would like to state that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights (<http://www.un.org/en/documents/udhr/index.shtml>). In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.”

3. We will operate the TLD in an open manner consistent with general principles of openness and non - discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

DETAILED COMMITMENTS BY punkt.wien GmbH FOR <.WIEN> BASED ON GENERAL SAFEGUARDS

punkt.wien GmbH, the applicant for the <.WIEN> top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non - discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - punkt.wien GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. COMPANY will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - punkt.wien GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, punkt.wien GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If punkt.wien GmbH identifies security risks that pose an actual risk of harm, punkt.wien GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - punkt.wien GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. punkt.wien GmbH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - punkt.wien GmbH will ensure that there is a mechanism for making complaints to punkt.wien GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, punkt.wien GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be

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used in breach of applicable law; these consequences should include suspension of the domain name.

punkt.wien GmbH would like to note that registration policies will be setup according to this request.

However punkt.wien GmbH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

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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:

Summary

Hotel Top-Level-Domain Sarl welcomes the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or fail to sufficiently recognize and incorporate public policy issues such as consumer protection.

Hotel Top-Level-Domain Sarl welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- * be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- * respect all substantive and procedural laws under the applicable jurisdictions.
- * be operated in an open manner consistent with general principles of openness and non - discrimination.”

*** Community-based application for .HOTEL by Hotel Top-Level-Domain Sarl ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

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**** We serve the Interests of the Community and the Public ****

Our application for the string .HOTEL is a community-based application. The Community for the .HOTEL top-level domain consists of entities that are hotels, operate hotels or represent hotels through an association. This Hotel Community intends to use .hotel domain names for their presentation, communication and commerce, and/or promote the hotel community online. We have been successfully working since 2008 on building a long-lasting relationship to the various stakeholders of this community including hotel associations worldwide, individual hotels and other hotel operators such as hotel chains.

The community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with multiple relevant entities that make up the community worldwide. According to our eligibility requirements which are in line with the requirements for community applications as stated in the AGB, .hotel domains will be available for registration to all companies which are member of the Hotel Community on a local, national and international level. We will not give an undue preference to any registrars or registrants, including ourselves, and will not subject registrars or registrants to an undue disadvantage.

***** General principles of operations for .HOTEL by Hotel Top-Level-Domain Sarl *****

Hotel Top-Level-Domain Sarl would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights (<http://www.un.org/en/documents/udhr/index.shtml>). In this respect we would like to emphasize two principles of the UN declaration of rights:

-Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

As stated in our application, we require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non - discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

- To foster diversity, encourage competition, and enhance the utility of the DNS.

- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

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We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by Hotel Top-Level-Domain Sarl for .HOTEL based on General Safeguards ***

Hotel Top-Level-Domain Sarl, the applicant for the .HOTEL top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non - discrimination.

The Safeguards are in detail:

1. WHOIS verification and checks – As described in our answer to question 28 in our application, Hotel Top-Level-Domain Sarl will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data every month. We will cooperate with registrars on the basis of the Registrar Accreditation Agreement to ensure WHOIS data accuracy. We will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity – Also described in our answer to Q28 is that Hotel Top-Level-Domain Sarl will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, Hotel Top-Level-Domain Sarl will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets, as described in our answer to Q28. If Hotel Top-Level-Domain Sarl identifies security risks that pose an actual risk of harm, Hotel Top-Level-Domain Sarl will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - As we have stated in our answer to Q28 Hotel Top-Level-Domain Sarl will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Hotel Top-Level-Domain Sarl will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - As we have stated in our answer to Q28 Hotel Top-Level-Domain Sarl will ensure that there is a mechanism for making complaints to Hotel Top-Level-Domain Sarl that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, we have described in our answer to Q28 that we will ensure that there are real and immediate

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consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Hotel Top-Level-Domain Sarl would like to note that our registration policies already reflect these requests. In addition, security issues have been extensively dealt with in our answer to Question 30: "Afilias [our registry backend service provider] aggressively and actively protects the registry system from known threats and vulnerabilities, and has deployed an extensive set of security protocols, policies and procedures to thwart compromise."

Hotel Top-Level-Domain Sarl would like to note that .hotel will not be operated as an exclusive registry access TLD limited to Hotel Top-Level-Domain Sarl as being the only registrant. Therefore the GAC Advice on exclusive access of generic terms does not apply to .hotel by Hotel Top-Level-Domain Sarl . 4e

We were asked to provide a statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore Hotel Top-Level-Domain Sarl reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	fTLD Registry Services, LLC
Application ID	1-1035-13873
Applied for TLD (string)	.bank

Response:

fTLD Registry Services, LLC (fTLD), the community-based applicant for the .bank and .insurance generic Top-Level Domains (gTLDs), is providing this response to the recently issued Governmental Advisory Committee (GAC) Advice on New gTLDs as required by Section 3.1 of the Applicant Guidebook. fTLD acknowledges the significant undertaking that was before GAC for it to meet its commitment to provide Advice by 13 April 2013, and we appreciate the care and level of detail that it provided in its [Beijing Communiqué](#).

fTLD is owned, operated and governed by members of the financial services community and is committed to operating financial gTLDs fairly, transparently and in a manner that serves and protects the community and the consumers/Internet users it serves. It was at the community’s urging that community-based applications for .bank and .insurance should be filed to protect the community and it is for that reason that fTLD was formed. As such, we are pleased to see the GAC’s recognition and affirmation of the value of community-based applications in its statement, “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

Regarding GAC’s Advice on safeguards, fTLD supports those identified for all new gTLDs and the additional safeguards for gTLDs that represent regulated markets. In fact, most of the safeguards are indicative of activities that fTLD anticipated it would need to implement given the public interest implications of .bank and .insurance. This is why the American Bankers Association and The Financial Services Roundtable advocated on behalf of the community for additional safeguards and fTLD ultimately included measures to address many of the safeguards that in the end became GAC Advice for the .bank and .insurance applications. Following the public comment period on, and the ICANN Board’s consideration of GAC Advice,

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New Generic Top-Level
Domains

fTLD is committed to implementing approved safeguards including those that will require some modifications to fTLD's procedures and/or systems (see Annex).

If fTLD has been approved to operate new gTLDs, it will be bound by Section 2.19, Operations of Registry Operator to TLD Community, and Specification 12, Community Registration Policies, of its Registry Agreement with ICANN. It is through these contractual provisions that fTLD will fulfill on its commitments to the community including those that were included in its applications and be subject to ICANN's compliance activities including, but not limited to, the [Registry Restrictions Dispute Resolution Procedure](#).

fTLD continues to believe that the introduction of new gTLDs has the potential to enhance consumer choice, promote competition and to foster innovation in the domain name system. We also firmly believe that in the cases of gTLDs that have unique trust implications, including those identified by the GAC, they must only be awarded to a trusted member of the community that will operate them with strict registration restrictions and in a manner that puts the public interest above the maximization of revenue.

Respectfully,

A handwritten signature in blue ink that reads "Craig S. Schwartz". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Craig S. Schwartz
Director
fTLD Registry Services, LLC

GAC Advice Response Form for Applicants



New Generic Top-Level
Domains

Annex

GAC ADVICE	FTLD RESPONSE
<p>In those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.</p>	<p>fTLD agrees and notes that our applications have extensive endorsements from the community. See list of current endorsers at http://www.ftld.com/endorsers.html.</p>
<p>A. Safeguards Applicable to all New gTLDs</p>	
<p>1. WHOIS (registration information) and checks: should be conducted on a statistically significant basis at least twice a year.</p>	<p>fTLD agrees and would like to highlight that our applications go above and beyond this requirement including a commitment to verify all WHOIS records at least semi-annually in compliance with the Enhanced Security Standards provided to ICANN on 11 December 2011 (see http://www.icann.org/en/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf). See Standard #23.</p>
<p>2. Mitigating abusive behavior: acceptable use and/or abuse policy to be defined.</p>	<p>fTLD agrees and notes that our applications are in compliance with requirements #3 and #16 in the above referenced Enhanced Security Standards.</p>
<p>3. Security checks: regular checks should be done to assess if domains are being used to perpetrate security threats and registries should suspend domains if registrar won't.</p>	<p>fTLD agrees and has affirmatively addressed this point in our response to question 20(e).</p>
<p>4. Documentation: statistical reports that provide the number of inaccurate WHOIS records or security threats should be maintained and provided to ICANN upon request.</p>	<p>fTLD commits to making this information available to ICANN at their request based upon the information in items A1 and A3 that will be collected in accordance with representations made in our applications.</p>
<p>5. Making and handling complaints: there should be a mechanism for making complaints to the registry operator about inaccurate WHOIS information and/or domains being used for malicious activity or perpetuating security risks.</p>	<p>fTLD agrees and will modify the ticketing system identified in our response to Question 28 to include inaccurate WHOIS.</p>
<p>6. Consequences: there should be real and immediate consequences for providing false WHOIS information and/or if the domain is being used in breach of applicable law.</p>	<p>fTLD agrees and has set forth in our response to Question 28 fTLD's policies and procedures for domain names used in violation of the acceptable use/abuse policies.</p>
<p>B. Safeguards for New gTLDs Linked to Regulated or Professional Sectors</p>	
<p>1. Registry acceptable use policy must require 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</p>	<p>fTLD agrees and in responses to Questions 20(e) and 28 prohibit use of the domain for any purposes prohibited by the laws of the jurisdiction(s) in which the registrant does business and further lists examples of prohibited activities.</p>



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farming, disclosure of data, and financial disclosures.	
2. Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.	fTLD agrees and notes that our applications are in compliance with requirement #19 in the above referenced Enhanced Security Standards.
3. Registry Operators will require 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 and recognized industry standards.	fTLD agrees and this requirement will be part of the registration agreement registrants sign with their registrars.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.	fTLD agrees and has already begun this effort. This activity is anticipated as it relates to fTLD's ability to verify registrants. fTLD may however be limited by the relevant regulatory or industry self-regulatory bodies voluntary cooperation with fTLD.
5. Registrants must be required by the registry operator to provide a single point-of-contact 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.	fTLD agrees in principle and Enhanced Security Standards #8 and #9 in part address this for registry operators and registrars and this could be expanded to registrants. fTLD commits to work with relevant regulatory or industry self-regulatory bodies identified above to collect the relevant contact details to address the concerns of the GAC.
C. Additional Safeguards for New gTLDs Associated with Market Sectors that have clear and/or Regulated Entry Requirements	
1. At the time of registration the registry operator must verify and validate the registrants' authorizations, charters, licenses and/or other credentials for participation.	fTLD agrees and Enhanced Security Standard #22 incorporated into our applications addresses this item.
2. In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.	fTLD agrees. This item is explicitly linked to safeguards C1 and implicitly linked to B4.
3. Registry operator must conduct periodic, post-registration checks with the above requirements 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.	fTLD agrees and has proactively responded to this issue in response to Question 20(e) concerning auditing of domain names to ensure compliance with acceptable use/abuse policies.
4. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.	fTLD affirms its commitment that its gTLDs will be operated fairly, transparently, without undue preference and in the best interest of the community.

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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, Annex I, and Annex II of the [GAC Beijing 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	fTLD Registry Services, LLC
Application ID	1-1035-75923
Applied for TLD (string)	.insurance

Response:

fTLD Registry Services, LLC (fTLD), the community-based applicant for the .bank and .insurance generic Top-Level Domains (gTLDs), is providing this response to the recently issued Governmental Advisory Committee (GAC) Advice on New gTLDs as required by Section 3.1 of the Applicant Guidebook. fTLD acknowledges the significant undertaking that was before GAC for it to meet its commitment to provide Advice by 13 April 2013, and we appreciate the care and level of detail that it provided in its [Beijing Communiqué](#).

fTLD is owned, operated and governed by members of the financial services community and is committed to operating financial gTLDs fairly, transparently and in a manner that serves and protects the community and the consumers/Internet users it serves. It was at the community’s urging that community-based applications for .bank and .insurance should be filed to protect the community and it is for that reason that fTLD was formed. As such, we are pleased to see the GAC’s recognition and affirmation of the value of community-based applications in its statement, “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

Regarding GAC’s Advice on safeguards, fTLD supports those identified for all new gTLDs and the additional safeguards for gTLDs that represent regulated markets. In fact, most of the safeguards are indicative of activities that fTLD anticipated it would need to implement given the public interest implications of .bank and .insurance. This is why the American Bankers Association and The Financial Services Roundtable advocated on behalf of the community for additional safeguards and fTLD ultimately included measures to address many of the safeguards that in the end became GAC Advice for the .bank and .insurance applications. Following the public comment period on, and the ICANN Board’s consideration of GAC Advice,

GAC Advice Response Form for Applicants



New Generic Top-Level
Domains

fTLD is committed to implementing approved safeguards including those that will require some modifications to fTLD's procedures and/or systems (see Annex).

If fTLD has been approved to operate new gTLDs, it will be bound by Section 2.19, Operations of Registry Operator to TLD Community, and Specification 12, Community Registration Policies, of its Registry Agreement with ICANN. It is through these contractual provisions that fTLD will fulfill on its commitments to the community including those that were included in its applications and be subject to ICANN's compliance activities including, but not limited to, the [Registry Restrictions Dispute Resolution Procedure](#).

fTLD continues to believe that the introduction of new gTLDs has the potential to enhance consumer choice, promote competition and to foster innovation in the domain name system. We also firmly believe that in the cases of gTLDs that have unique trust implications, including those identified by the GAC, they must only be awarded to a trusted member of the community that will operate them with strict registration restrictions and in a manner that puts the public interest above the maximization of revenue.

Respectfully,

A handwritten signature in blue ink that reads "Craig S. Schwartz". The signature is fluid and cursive, with a long horizontal stroke at the end.

Craig S. Schwartz
Director
fTLD Registry Services, LLC

GAC Advice Response Form for Applicants



New Generic Top-Level
Domains

Annex

GAC ADVICE	FTLD RESPONSE
<p>In those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.</p>	<p>fTLD agrees and notes that our applications have extensive endorsements from the community. See list of current endorsers at http://www.ftld.com/endorsers.html.</p>
<p>A. Safeguards Applicable to all New gTLDs</p>	
<p>1. WHOIS (registration information) and checks: should be conducted on a statistically significant basis at least twice a year.</p>	<p>fTLD agrees and would like to highlight that our applications go above and beyond this requirement including a commitment to verify all WHOIS records at least semi-annually in compliance with the Enhanced Security Standards provided to ICANN on 11 December 2011 (see http://www.icann.org/en/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf). See Standard #23.</p>
<p>2. Mitigating abusive behavior: acceptable use and/or abuse policy to be defined.</p>	<p>fTLD agrees and notes that our applications are in compliance with requirements #3 and #16 in the above referenced Enhanced Security Standards.</p>
<p>3. Security checks: regular checks should be done to assess if domains are being used to perpetrate security threats and registries should suspend domains if registrar won't.</p>	<p>fTLD agrees and has affirmatively addressed this point in our response to question 20(e).</p>
<p>4. Documentation: statistical reports that provide the number of inaccurate WHOIS records or security threats should be maintained and provided to ICANN upon request.</p>	<p>fTLD commits to making this information available to ICANN at their request based upon the information in items A1 and A3 that will be collected in accordance with representations made in our applications.</p>
<p>5. Making and handling complaints: there should be a mechanism for making complaints to the registry operator about inaccurate WHOIS information and/or domains being used for malicious activity or perpetuating security risks.</p>	<p>fTLD agrees and will modify the ticketing system identified in our response to Question 28 to include inaccurate WHOIS.</p>
<p>6. Consequences: there should be real and immediate consequences for providing false WHOIS information and/or if the domain is being used in breach of applicable law.</p>	<p>fTLD agrees and has set forth in our response to Question 28 fTLD's policies and procedures for domain names used in violation of the acceptable use/abuse policies.</p>
<p>B. Safeguards for New gTLDs Linked to Regulated or Professional Sectors</p>	
<p>1. Registry acceptable use policy must require 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</p>	<p>fTLD agrees and in responses to Questions 20(e) and 28 prohibit use of the domain for any purposes prohibited by the laws of the jurisdiction(s) in which the registrant does business and further lists examples of prohibited activities.</p>



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farming, disclosure of data, and financial disclosures.	
2. Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.	fTLD agrees and notes that our applications are in compliance with requirement #19 in the above referenced Enhanced Security Standards.
3. Registry Operators will require 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 and recognized industry standards.	fTLD agrees and this requirement will be part of the registration agreement registrants sign with their registrars.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.	fTLD agrees and has already begun this effort. This activity is anticipated as it relates to fTLD's ability to verify registrants. fTLD may however be limited by the relevant regulatory or industry self-regulatory bodies voluntary cooperation with fTLD.
5. Registrants must be required by the registry operator to provide a single point-of-contact 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.	fTLD agrees in principle and Enhanced Security Standards #8 and #9 in part address this for registry operators and registrars and this could be expanded to registrants. fTLD commits to work with relevant regulatory or industry self-regulatory bodies identified above to collect the relevant contact details to address the concerns of the GAC.
C. Additional Safeguards for New gTLDs Associated with Market Sectors that have clear and/or Regulated Entry Requirements	
1. At the time of registration the registry operator must verify and validate the registrants' authorizations, charters, licenses and/or other credentials for participation.	fTLD agrees and Enhanced Security Standard #22 incorporated into our applications addresses this item.
2. In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.	fTLD agrees. This item is explicitly linked to safeguards C1 and implicitly linked to B4.
3. Registry operator must conduct periodic, post-registration checks with the above requirements 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.	fTLD agrees and has proactively responded to this issue in response to Question 20(e) concerning auditing of domain names to ensure compliance with acceptable use/abuse policies.
4. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.	fTLD affirms its commitment that its gTLDs will be operated fairly, transparently, without undue preference and in the best interest of the community.

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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1038-5963
Applied for TLD (string)	.dds

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .dds is a string that refers to a regulated industry, we will work with appropriate governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique dentistry license number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1038-7319
Applied for TLD (string)	.book

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1038-9346
Applied for TLD (string)	.cloud

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1038-40570
Applied for TLD (string)	.cpa

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

Finally, since .cpa is a string that refers to a regulated industry, we will work with appropriate governing and/or regulatory bodies to ensure appropriate identification is presented with registration. We will require that a potential registrant enter their unique accountancy license number as well as indicate the jurisdiction to which the number relates.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1039-66889
Applied for TLD (string)	.free

Response:

Following GAC advice to the ICANN Board ("GAC Communiqué – Beijing") regarding the GAC's concerns about the string .free, Top Level Domain Holdings Limited has withdrawn its application for .free.

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Respondent:

Applicant Name	National Association of Boards of Pharmacy
Application ID	1-1040-55064
Applied for TLD (string)	.PHARMACY

Response:

In its Beijing Communiqué, the ICANN Governmental Advisory Committee (GAC) identifies the “Health and Fitness” sector, including .PHARMACY, as a regulated industry to which additional safeguards should apply. National Association of Boards of Pharmacy (“NABP”) agrees, and would like to affirm to the ICANN Board our commitment to operating the .PHARMACY gTLD in a manner that reflects our longstanding commitment to promoting public health and patient safety.

NABP is an impartial professional organization that supports the state boards of pharmacy in creating uniform regulations to protect public health. Specifically, NABP recognizes the ongoing and critical need for patients’ medications to be managed by a licensed pharmacist, and for their medications to be appropriately sourced through safe channels, in accordance with applicable laws and standards of care and in order to protect and serve the collective interests of patients as consumers.

NABP plans to operate .PHARMACY in line with this core mission of promoting public health and patient safety. Because the means to easily recognize safe online pharmacies is important for consumers worldwide, NABP will make the new domain available to legitimate online pharmacies and related entities that are located in the United States as well as in other countries. This will create a trusted, hierarchal, and intuitive namespace for legitimate Internet pharmacies and other prescription drug related entities worldwide, including but not limited to:

- Independent community pharmacies,
- Chain pharmacies and any retailers offering pharmacy services,
- Internet pharmacies,
- Pharmacy benefits management companies,
- Veterinary pharmacies,
- Schools and colleges of pharmacy and continuing professional education providers,
- Wholesale drug distributors,

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- Pharmaceutical manufacturers,
- Durable medical equipment, prosthetics, orthotics, and supplies providers,
- Prescription drug-related patient advocacy and consumer education groups,
- Prescription drug information and pharmacy referral sites, and
- Medical professionals advertising services related to a prescription drug.

As such, the .PHARMACY gTLD will provide a powerful tool to educate consumers, distinguish legitimate Internet pharmacies from the thousands of rogue Internet drug outlets, and reinforce the value of purchasing medications only from trusted online sources. A total of 19 organizations have already expressed their support of NABP's vision and plan for operating .PHARMACY.

Through its Advisory Committee, NABP will work with members of the pharmacy community to establish core (common) standards of operation that will be required of all domain registrants within the .PHARMACY gTLD, consistent with the purpose of the .PHARMACY gTLD and the mission of public health. This will include the development of guidelines for vetting each Internet pharmacy or other prescription drug-related entity applying for a .PHARMACY name and the development of a code of conduct and a set of best practices for the .PHARMACY gTLD.

NABP will operate .PHARMACY using a tightly controlled registration policy, that restricts second-level registrations within the gTLD to licensed pharmacies and prescription drug-related entities that are in good standing and in compliance with all applicable laws in the jurisdictions in which they dispense, ship, or sell medications and that agree to conduct business according to all standards of operation. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against the following types of activity:

- Infringement of intellectual property,
- Online fraud,
- Engagement in spam,
- Harassment,
- Installation of viruses or malicious code, and
- Provision of incomplete or inaccurate registration data.

Additionally, a restricted registration policy allows NABP to assure pharmaceutical consumers that medications sold in .PHARMACY will be sourced through safe channels and that any health or medical data collected within .PHARMACY will be done using appropriate security controls and with adherence to online privacy standards. In doing so, NABP aims to create a safe online space for consumers, free from many of the risks associated with buying medicine online.

Under the proposed plan, NABP and stakeholders would also implement steps to educate consumers and build recognition and trust in the .PHARMACY gTLD. The consumer education campaign would seek to make .PHARMACY the recognized sign of a legitimate, safe, trusted Internet pharmacy, just as many Internet users now recognize .GOV as an official site of a US government agency, or .EDU as an official Web site for an institution of higher education. Building consumer trust in the proposed .PHARMACY gTLD will help protect consumers by empowering them with the knowledge to locate legitimate Internet pharmacies and to avoid illegally operating Internet drug outlets. In the words of NABP president, Michael A. Burleson, RPh. "The ultimate benefactors of NABP's vision for this new gTLD will be the health care community and patients worldwide, who will be assured that all pharmacy sites ending in the .PHARMACY gTLD are safe and legitimate... By vetting .PHARMACY registrants for compliance

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with international standards, NABP seeks to protect patients worldwide from the health risks that can result when drug sellers circumvent supply chain safeguards.”

Finally, given NABP’s longstanding commitment to public health, we maintain relationships with pharmaceutical regulators, standard setting bodies, and law enforcement agents, both within the United States and globally. In developing its .PHARMACY proposal, NABP has partnered with international regulators, pharmacy organizations, and law enforcement agencies that share our concern about illegal online drug sellers distributing products that endanger patient health. NABP has worked with these actors in setting the standards of operation for registrants within .PHARMACY and will continue to engage these entities in conjunction with the operation of the .PHARMACY gTLD.

We hope this response to the GAC’s Beijing Communiqué quells any concerns that the Board might have in association with the .PHARMACY gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding NABP’s .PHARMACY application.

(1) Today, the vast majority of Web sites selling prescription drugs online are doing so illegally – many of them selling unapproved, substandard, and counterfeit medicine. NABP recently reviewed nearly 10,000 Internet drug outlets selling prescription medications and found nearly 97% to be out of compliance with pharmacy laws and practice standards established in the United States to protect the public health. Of these Web sites identified as Not Recommended, nearly half offer foreign or non-Food and Drug Administration-approved drugs, and many distribute dangerous counterfeits to unsuspecting consumers. To read the full report, please visit:

http://www.nabp.net/system/redactor_assets/documents/453/NABP_Internet_Drug_Outlet_Report_Apr2013.pdf

(2) NABP received support on many levels from stakeholders who believe NABP to be best equipped to establish the .PHARMACY space as a secure and trustworthy destination where consumers can be sure the medications they buy online are authentic and safe. Stakeholders that have provided financial support or public endorsements for NABP’s .PHARMACY application include Eli Lilly and Company; Merck & Co., Inc.; Gilead; Janssen Therapeutics; Amgen Inc.; Alliance for Safe Online Pharmacies; British Brands Group; Boehringer Ingelheim; Drugdepot.com; DrugSource, Inc.; EnforceTheAct.org; European Alliance for Access to Safe Medicines; Indiana Board of Pharmacy; International Pharmaceutical Federation; Ipsen Pharma; LegitScript; National Association of Pharmacy Regulatory Authorities; North Dakota State Board of Pharmacy; Novo Nordisk, Inc.; RX Direct, Inc; and Sanofi. More details regarding support for .PHARMACY can be found here: <http://www.nabp.net/programs/pharmacy/pharmacy-and-nabp/coalition-support>.

(3) As a guideline, the standards that NABP currently employs in association with pharmacies conducting pharmacy service over the Internet and other businesses or persons conducting drug-related services over the internet are set forth here:

<http://www.nabp.net/programs/accreditation/e-advertiser-approval-program/standards>.

(4) “NABP’s Vision for .PHARMACY Generic Top-Level Domain Provides a Secure Online Space for Pharmacy Consumers Around the World.” Wall Street Journal. 15 April 2013. See Article:

http://online.wsj.com/article/PR-CO-20130415-909676.html?goback=%2Egmp_1840166%2Egde_1840166_member_232608974.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DotSite Inc.
Application ID	1-1048-46315
Applied for TLD (string)	Site

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotHome Inc.
Application ID	1-1049-60075
Applied for TLD (string)	Home

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotWebsite Inc.
Application ID	1-1050-30871
Applied for TLD (string)	Website

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

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2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

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5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

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6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

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Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotShop Inc.
Application ID	1-1051-32260
Applied for TLD (string)	Shop

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

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Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

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As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotStore Inc.
Application ID	1-1052-82517
Applied for TLD (string)	Store

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Dotsecure Inc.
Application ID	1-1053-59307
Applied for TLD (string)	Bank

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

Additional Safeguards for Category 1 strings associated with certain market sectors

We also agree with the GAC that certain strings are associated with market sectors which have clear and / or regulated entry requirements in multiple jurisdictions, and that additional safeguards should apply to this sub-set of strings. We submit that this TLD, .Bank is indeed a part of the sub-set of strings that require further targeted safeguards to address specific risks, and to bring registry policy in line with arrangements in place offline. We would urge the GAC and the ICANN board to review our application in its entirety to assess the strength and details of security measures and policies we have put in place in order to ensure that the registry policy is in line with arrangements in place offline.

That being said, we have addressed each of the safeguards recommended by the GAC as follows.

6. At the time of registration, the registry operator must verify and validate the registrants' authorizations, charters, licenses and / or other related credentials for participation in that sector.

Response: We acknowledge the GAC's concerns and submit that this safeguard is acceptable to us. As detailed in our application, verification and validation of the registrants' credentials will be a key function which will be performed by an external 3rd party agency. A quote from such a 3rd party service provider was also provided as part of our application, on the basis of which our business plans have been made. The selected 3rd party agency will be contractually required by us to verify and validate the potential registrants' licenses and credentials, in addition to a list of

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other verifications such as domain validation, compliance with our Eligibility Restrictions and Name Selection Policy, and the individual registrants' authority to register the domain name.

We believe that a review of our application will serve to show that our plans for .Bank are extremely thorough and in line with the GAC's expectations.

7. In case of doubt with regard to the authenticity of licenses or credentials, registry operators should consult with relevant national supervisory authorities or their equivalents.

Response: We acknowledge the GAC's concerns above and submit that we will contractually require our 3rd party verification agency to clear any doubts with respect to authenticity of licenses or credentials by methods that include consulting with the relevant national supervisory authority or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

Response: We acknowledge the GAC's concern with respect to ensuring that registrants' continue to comply with appropriate regulations and licensing requirements. We submit that we are willing to carry out the periodic post-registration checks such as those suggested by the GAC with the aim of ensuring that registrants continue to comply with our Eligibility Restrictions and other security policies.

That being said, we look forward to ICANN Board providing additional guidance about the details of such checks as per ICANN's requirements.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 14 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotBaby Inc.
Application ID	1-1054-95858
Applied for TLD (string)	Baby

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Dotmaker Inc.
Application ID	1-1055-21389
Applied for TLD (string)	Law

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotDeals Inc.
Application ID	1-1056-93782
Applied for TLD (string)	Deals

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotNews Inc.
Application ID	1-1057-44086
Applied for TLD (string)	News

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC’s accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website.”

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotMusic Inc.
Application ID	1-1058-25065
Applied for TLD (string)	Music

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotHotel Inc.
Application ID	1-1059-97519
Applied for TLD (string)	Hotel

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotMedico TLD Inc.
Application ID	1-1060-13366
Applied for TLD (string)	Doctor

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

Additional Safeguards for Category 1 strings associated with certain market sectors

We also agree with the GAC that certain strings are associated with market sectors which have clear and / or regulated entry requirements in multiple jurisdictions, and that additional safeguards should apply to this sub-set of strings. We submit that this TLD, .Doctor is indeed a part of the sub-set of strings that require further targeted safeguards to address specific risks, and to bring registry policy in line with arrangements in place offline. We would urge the GAC and the ICANN board to review our application in its entirety to assess the strength and details of security measures and policies we have put in place in order to ensure that the registry policy is in line with arrangements in place offline.

That being said, we have addressed each of the safeguards recommended by the GAC as follows.

6. At the time of registration, the registry operator must verify and validate the registrants' authorizations, charters, licenses and / or other related credentials for participation in that sector.

Response: We acknowledge the GAC's concerns and submit that this safeguard is acceptable to us. As detailed in our application, verification and validation of the registrants' credentials will be a key function which will be performed by an external 3rd party agency. A quote from such a 3rd party service provider was also provided as part of our application, on the basis of which our business plans have been made. The selected 3rd party agency will be contractually required by us to verify and validate the potential registrants' licenses and credentials, in addition to a list of

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other verifications such as domain validation, compliance with our Eligibility Restrictions and Name Selection Policy, and the individual registrants' authority to register the domain name.

We believe that a review of our application will serve to show that our plans for .Doctor are extremely thorough and in line with the GAC's expectations.

7. In case of doubt with regard to the authenticity of licenses or credentials, registry operators should consult with relevant national supervisory authorities or their equivalents.

Response: We acknowledge the GAC's concerns above and submit that we will contractually require our 3rd party verification agency to clear any doubts with respect to authenticity of licenses or credentials by methods that include consulting with the relevant national supervisory authority or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

Response: We acknowledge the GAC's concern with respect to ensuring that registrants' continue to comply with appropriate regulations and licensing requirements. We submit that we are willing to carry out the periodic post-registration checks such as those suggested by the GAC with the aim of ensuring that registrants continue to comply with our Eligibility Restrictions and other security policies.

That being said, we look forward to ICANN Board providing additional guidance about the details of such checks as per ICANN's requirements.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 14 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotHost Inc.
Application ID	1-1061-73671
Applied for TLD (string)	Host

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotPress Inc.
Application ID	1-1062-36956
Applied for TLD (string)	Press

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dotfresh Inc.
Application ID	1-1063-32835
Applied for TLD (string)	Insurance

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC’s accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website.”

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

Additional Safeguards for Category 1 strings associated with certain market sectors

We also agree with the GAC that certain strings are associated with market sectors which have clear and / or regulated entry requirements in multiple jurisdictions, and that additional safeguards should apply to this sub-set of strings. We submit that this TLD, .Insurance is indeed a part of the sub-set of strings that require further targeted safeguards to address specific risks, and to bring registry policy in line with arrangements in place offline. We would urge the GAC and the ICANN board to review our application in its entirety to assess the strength and details of security measures and policies we have put in place in order to ensure that the registry policy is in line with arrangements in place offline.

That being said, we have addressed each of the safeguards recommended by the GAC as follows.

6. At the time of registration, the registry operator must verify and validate the registrants’ authorizations, charters, licenses and / or other related credentials for participation in that sector.

Response: We acknowledge the GAC’s concerns and submit that this safeguard is acceptable to us. As detailed in our application, verification and validation of the registrants’ credentials will be a key function which will be performed by an external 3rd party agency. A quote from such a 3rd party service provider was also provided as part of our application, on the basis of which our business plans have been made. The selected 3rd party agency will be contractually required by us to verify and validate the potential registrants’ licenses and credentials, in addition to a list of

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other verifications such as domain validation, compliance with our Eligibility Restrictions and Name Selection Policy, and the individual registrants' authority to register the domain name.

We believe that a review of our application will serve to show that our plans for .Insurance are extremely thorough and in line with the GAC's expectations.

7. In case of doubt with regard to the authenticity of licenses or credentials, registry operators should consult with relevant national supervisory authorities or their equivalents.

Response: We acknowledge the GAC's concerns above and submit that we will contractually require our 3rd party verification agency to clear any doubts with respect to authenticity of licenses or credentials by methods that include consulting with the relevant national supervisory authority or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

Response: We acknowledge the GAC's concern with respect to ensuring that registrants' continue to comply with appropriate regulations and licensing requirements. We submit that we are willing to carry out the periodic post-registration checks such as those suggested by the GAC with the aim of ensuring that registrants continue to comply with our Eligibility Restrictions and other security policies.

That being said, we look forward to ICANN Board providing additional guidance about the details of such checks as per ICANN's requirements.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 14 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	IM TLD Inc.
Application ID	1-1064-17982
Applied for TLD (string)	Chat

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

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** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

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Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

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Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Dotserve Inc.
Application ID	1-1065-49761
Applied for TLD (string)	Loans

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

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2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

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Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC’s accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website.”

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

Additional Safeguards for Category 1 strings associated with certain market sectors

We also agree with the GAC that certain strings are associated with market sectors which have clear and / or regulated entry requirements in multiple jurisdictions, and that additional safeguards should apply to this sub-set of strings. We submit that this TLD, .Loans is indeed a part of the sub-set of strings that require further targeted safeguards to address specific risks, and to bring registry policy in line with arrangements in place offline. We would urge the GAC and the ICANN board to review our application in its entirety to assess the strength and details of security measures and policies we have put in place in order to ensure that the registry policy is in line with arrangements in place offline.

That being said, we have addressed each of the safeguards recommended by the GAC as follows.

6. At the time of registration, the registry operator must verify and validate the registrants’ authorizations, charters, licenses and / or other related credentials for participation in that sector.

Response: We acknowledge the GAC’s concerns and submit that this safeguard is acceptable to us. As detailed in our application, verification and validation of the registrants’ credentials will be a key function which will be performed by an external 3rd party agency. A quote from such a 3rd party service provider was also provided as part of our application, on the basis of which our business plans have been made. The selected 3rd party agency will be contractually required by us to verify and validate the potential registrants’ licenses and credentials, in addition to a list of

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other verifications such as domain validation, compliance with our Eligibility Restrictions and Name Selection Policy, and the individual registrants' authority to register the domain name.

We believe that a review of our application will serve to show that our plans for .Loans are extremely thorough and in line with the GAC's expectations.

7. In case of doubt with regard to the authenticity of licenses or credentials, registry operators should consult with relevant national supervisory authorities or their equivalents.

Response: We acknowledge the GAC's concerns above and submit that we will contractually require our 3rd party verification agency to clear any doubts with respect to authenticity of licenses or credentials by methods that include consulting with the relevant national supervisory authority or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

Response: We acknowledge the GAC's concern with respect to ensuring that registrants' continue to comply with appropriate regulations and licensing requirements. We submit that we are willing to carry out the periodic post-registration checks such as those suggested by the GAC with the aim of ensuring that registrants continue to comply with our Eligibility Restrictions and other security policies.

That being said, we look forward to ICANN Board providing additional guidance about the details of such checks as per ICANN's requirements.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 14 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotCity Inc.
Application ID	1-1066-67099
Applied for TLD (string)	City

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Entertainment TLD Inc.
Application ID	1-1067-89443
Applied for TLD (string)	Play

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotClick Inc.
Application ID	1-1068-4952
Applied for TLD (string)	Click

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotPing Inc.
Application ID	1-1069-35959
Applied for TLD (string)	Ping

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotOnline Inc.
Application ID	1-1070-97873
Applied for TLD (string)	Online

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. However, we believe that .Online is a purely generic TLD, and should ideally not be considered as part of the GAC’s list of strings related to Intellectual Property.

We do acknowledge the GAC’s opinion that .Online is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

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“SINGLE POINT OF CONTACT

In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC’s accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website.”

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotWorld Inc.
Application ID	1-1071-58353
Applied for TLD (string)	World

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

** Whois accuracy provisions

** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotSpace Inc.
Application ID	1-1072-65736
Applied for TLD (string)	Space

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	DotAbout Inc.
Application ID	1-1073-19391
Applied for TLD (string)	One

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Deutsche Post AG
Application ID	1-1075-2496
Applied for TLD (string)	EPOST

Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,
Deutsche Post AG

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Respondent:

Applicant Name	Deutsche Post AG
Application ID	1-1075-11927
Applied for TLD (string)	DEUTSCHEPOST

Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,
Deutsche Post AG

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Respondent:

Applicant Name	Deutsche Post AG
Application ID	1-1075-15763
Applied for TLD (string)	TRUST

Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,
Deutsche Post AG

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Deutsche Post AG
Application ID	1-1075-45896
Applied for TLD (string)	DHL

Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,
Deutsche Post AG

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Your Dot PhD, Inc.
Application ID	1-1076-76766
Applied for TLD (string)	.MBA

Response:

Your Dot Phd, Inc. (Applicant) has applied to operate the new top level domain (TLD) .MBA. The information below is in response to the Governmental Advisory Committee (GAC) Communiqué dated April 11, 2013, which identifies the string .MBA as a Category 1 TLD.

This Applicant has reviewed the GAC’s suggested safeguards for strings which are deemed Category 1 TLDs and believes that its application addresses items 1, 2, 3 and 5 and is willing to include these items in its Registry Agreement with ICANN to operate the .MBA TLD.

With respect to Item 4, this Applicant has developed an extensive strategy to mitigate fraud and is willing to include specifics of its strategy in its Registry Agreement with ICANN but this Applicant is not aware of a “relevant regulatory or industry self-regulatory body” that oversees all Master of Business Administration (“MBA”) degrees. In an attempt to maintain the implied trust from consumers relating to the term MBA, this Applicant has adopted the Integrated Postsecondary Education Data System definition of the term MBA and the international equivalent as defined by the International Standard of Classification of Education. This is same definition adopted by the United States Census Bureau, the National Center for Education and the Organization for Economic Co-operation and Development and is an objective definition that is easily accessible online for all potential registrants to view. This definition is the basis of this Applicant’s registration requirements and the core of its strategy to protect the integrity of the .MBA TLD and the trust and expectations of Internet users that visit a .MBA website. This Applicant is available to discuss the specifics of its extensive strategy to mitigate fraud with the GAC and is open to considering suggestions to improve its strategy.

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Respondent:

Applicant Name	AUDI Aktiengesellschaft
Application ID	1-1079-59916
Applied for TLD (string)	AUDI

Response:

AUDI Aktiengesellschaft, the applicant for the .AUDI top-level domain, welcomes and supports the GAC Advice as published on April 11, 2013, since the requested safeguards from GAC have always been fundamental principles for the AUDI Aktiengesellschaft and have therefore been incorporated in the application accordingly. The GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

AUDI Aktiengesellschaft welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** General principles of operations for .AUDI by AUDI Aktiengesellschaft

AUDI Aktiengesellschaft would like to state, that:

1. We will respect human rights and fundamental freedoms

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We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by AUDI Aktiengesellschaft for .AUDI based on General Safeguards

AUDI Aktiengesellschaft will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - AUDI Aktiengesellschaft will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. AUDI Aktiengesellschaft will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - AUDI Aktiengesellschaft will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, AUDI Aktiengesellschaft will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If AUDI Aktiengesellschaft identifies security risks that pose an actual risk of harm, AUDI Aktiengesellschaft will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - AUDI Aktiengesellschaft will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. AUDI Aktiengesellschaft will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - AUDI Aktiengesellschaft will ensure that there is a mechanism for making complaints to AUDI Aktiengesellschaft that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, AUDI Aktiengesellschaft shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

AUDI Aktiengesellschaft would like to note that registration policies will be setup according to this request.

AUDI Aktiengesellschaft would like to note that .AUDI is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore AUDI Aktiengesellschaft would like to state that the .AUDI is not in the public interest, but a representation of Intellectual property rights of AUDI Aktiengesellschaft.

However AUDI Aktiengesellschaft reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	European Broadcasting Union (EBU)
Application ID	1-1083-39123
Applied for TLD (string)	RADIO

Response:

The European Broadcasting Union (EBU) as applicant for the .radio TLDs application with the support of the whole world Radio Community welcomes the GAC Advice, and wants to make the following statements with regard to the principles contained in the GAC Communiqué:

A) Community Applications

As exclusive and only applicant of .radio TLD on behalf of the Radio Community EBU would like expressing its support to GAC's position, stated in its Beijing Communiqué, Point IV.e with regard to:

that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

The "collective and clear opinion" for the necessity of a community based TLD .radio has been expressed through the letters of support attached to Q20(f)

All member Unions of the World Broadcasting Unions have written letters of endorsement for the EBU application as follows:

ABU (Asia-Pacific Broadcasting Union), representing national broadcasters of Asia and Oceania reaching audiences of 3 billion users, (60 countries).

AUB-UAR (African Union of Broadcasters), representing national broadcasters of Africa, (50 countries).

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NABA (North American Broadcasting Association), representing the national broadcasters of United States, Mexico and Canada.

OTI (Organización de Televisión IberoAmericana), representing national broadcasters of Latin America and the Iberian peninsula, (60 countries).

CBU (Caribbean Broadcasting Union) representing national broadcasters of the Caribbean, (29 countries)..

AIR-IAB, (Asociación Internacional de Radiodifusión) representing commercial broadcasters from 16 South American countries plus a number of other radio associations on other continents.

ASBU (Arab States Broadcasting Union) representing broadcasters of the 23 Arab League member countries.

The EBU has also garnered support from other broadcasters' associations covering continental regions or specialized channels:

AIB - Association for International Broadcasting, grouping international broadcasters world-wide.

AER - Association of European Radios: commercial radio broadcasters of Western Europe.

AMARC - Association Mondiale des Radiodiffuseurs Communautaires: all community radios in 115 countries around the world.

EGTA - European Association of Television and Radio Sales Houses, the regional association that gathers all vendors of Radio and TV advertising around Europe.

URTI - Union Radiophonique et Télévisuelle Internationale, a UNESCO non-profit recognized association that promotes and organizes the exchange of radio and TV programmes free-of-charge between broadcasters from the North and the South of the world.

IMDA - Internet Media Device Alliance, bringing together a number of world radio stakeholders specialized in interactive services and related equipment.

Finally, and to bear witness to the special character of this application for a community based TLD, the EBU has asked one very important partner in the radio world - the Metropolitan Opera of New York - to endorse the request. The Met endorsement demonstrates that a community-based .radio TLD is not only of interest for broadcasters, but also for all those who cooperate with this community to promote cultural diversity and excellence.

In addition to formal endorsement letters, our application has the backing from IARU (International Amateur Radio Union) which expressed its support on the public forum (Comment ID:o7ocwnxe). IARU represents more than three million licensees in more than 160 countries.

B) Safeguards for the .radio TLD

EBU concurs with the GAC when it states that:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors: [...]

In fact all radios of the real world are entitled to make their activity on the basis of licences or authorizations released by national, international and /or local authorities. This regime of authorization is in place to guarantee the exclusivity of each licence for radio and to protect listeners, through a series of national or international obligations for radio broadcasters or radio-amateurs.

This is precisely why our application contains all the necessary safeguards to guarantee that registrants in the .radio TLD not only comply with applicable laws, but that the namespace enables the highest level of consumer trust and to preserve the special and exclusive relation that links each radio licence to its listeners, its territory, to its applicable regulations.

These concerns, and these safeguards will be carried to .radio TLD Policies, Agreements and Dispute Resolution Procedures.

B.1 Registration policies

Registration in radio will be available only to:

- a) community membership defined as bona fide membership in the any of the eligible categories, as defined in 20 (b) above, and
- (b) the additional requirements that the registrant's actions in the Radio community, as well as the registrant's use of the registered domain name, must be:
 - (i) generally accepted as legitimate; and
 - (ii) beneficial to the cause and the values of the radio industry; and
 - (iii) commensurate with the role and importance of the registered domain name; and
 - (iv) in good faith at the time of registration and thereafter.

B.2 Enforcement Mechanisms

We would like to raise the attention more specifically to the enforcement mechanisms devised by EBU to maintain the quality of the .radio TLD namesake and its compliance with the rules, and mitigate possible abuses.

In this regard, we should list:

1. Rapid Takedown Policy for cases of general malicious conduct (Q28.1)
2. Rapid Takedown Policy for cases of phishing, with significantly shortened response times (Q28.2)
3. Single Point of Contact for Abusive behaviour on the Registry's side (Q28.3)
4. AdminContact as Single Point of Contact for Registrants' on abusive or non-compliant behaviour (Q20.e.1)
5. Ex Officio Random Checks of the usage of registered Domain Names (Q29.2.1)
6. Complaints System (Q29.2.2)

All these mechanisms are in addition of the validation procedures established at registration time. We firmly believe that in conjunction with our registration policies and ICANN-mandated policies EBU adequately addresses all the safeguards outlined by GAC both for those applicable to all new gTLDs as well as the additional safeguards advised for certain categories of new gTLDs.

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Respondent:

Applicant Name	Patagonia, Inc.
Application ID	1-1084-78254
Applied for TLD (string)	.patagonia

Response:

Response of Patagonia, Inc. to Governmental Advisory Committee Advice to ICANN Board of Directors Regarding .patagonia gTLD Application

The Governmental Advisory Committee (“GAC”) did not identify in its GAC Advice to the ICANN Board of Directors (“Board”) why it contends that further GAC consideration may be warranted for the .patagonia gTLD application filed by Patagonia, Inc. (“Patagonia”). Based on the Early Warnings filed by both the Argentine Republic and the Republic of Chile in which both governments state that “patagonia” is a name of a region within their countries and identify withdrawal of the .patagonia application as the only acceptable remedial measure, Patagonia believes that GAC representatives of both countries sought GAC Advice rejecting the .patagonia application on the ground that it is a “geographic name.”

Patagonia respectfully requests that the Board allow Patagonia’s .patagonia application to proceed now beyond Initial Evaluation.

First, the “Geographic Names” terms and provisions of the Applicant Guidebook require it. Patagonia has reasonably relied upon the process set forth in Applicant Guidebook, has expended significant effort and resources in reliance on those terms and provisions, and is in full compliance with the rules contained therein. In particular, Patagonia went to great lengths before deciding to proceed with its .patagonia application to ensure that the .patagonia gTLD string is not a “Geographic Name” as ICANN has defined that term.

Second, preventing Patagonia’s .patagonia application from proceeding now beyond Initial Evaluation contradicts and renders moot key principles of certainty and clarity for applicants and a predictable evaluation process that were adopted by the GNSO, the Board, and the GAC. Changing now the crucial, outcome-determinative provisions of the Applicant Guidebook such

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as the definition of Geographic Names constitutes a material and arbitrary change to the Applicant Guidebook, made without proper notice to Patagonia.

Third, allowing Patagonia's .patagonia application to proceed now avoids the conflict arising from a potential scenario in which future GAC Advice calls for adverse action against the .patagonia application on the same basis as an ICANN-funded, government-filed Community Objection found to be without merit by the ICANN-selected Dispute Resolution Provider.

Fourth, no objective legal standard prevents or prohibits Patagonia from applying for or operating a .patagonia gTLD. Neither the laws of the Argentine Republic nor the laws of the Republic of Chile, the two countries that filed Early Warnings against Patagonia's .patagonia application and that presumably sought GAC Advice on it, prohibit or limit use of the name "Patagonia." To the contrary, the laws of both countries have affirmatively protected Patagonia's PATAGONIA Trademarks for over two decades. Moreover, Patagonia's ownership of hundreds of registrations globally for its PATAGONIA Trademarks makes clear that the laws of scores of GAC member countries also affirmatively protect Patagonia's PATAGONIA Trademarks.

Finally, Patagonia filed its .patagonia application and continues to act in good faith consistent both with its reputation as an outstanding corporate citizen and its mission statement, which is "Build the best product, cause no unnecessary harm, use business to inspire and implement solutions to the environmental crisis." Patagonia intends to use the .patagonia gTLD as a ".brand gTLD" for a beneficial purpose, and has made every effort to engage collaboratively with the Argentine Republic and the Republic of Chile over their concerns about the .patagonia application.

If the ICANN Board decides that Patagonia's .patagonia application should not proceed now beyond Initial Evaluation, Patagonia respectfully requests that the Board communicate to the GAC that the Board must receive the GAC's final and definitive advice relating to Patagonia's .patagonia application on or before the conclusion of the ICANN meeting in Durban, South Africa on July 18, 2013. It is indisputable that Patagonia will be materially and irreversibly prejudiced if the issue of whether Patagonia's .patagonia application may proceed is considered during the ICANN meeting in Buenos Aires, Argentina.

I. "Patagonia" is not a "Geographic Name" as defined by ICANN.

"Patagonia" is not a country or territory name, and is thus not prohibited as a gTLD string. Section 2.2.1.4.1 of the Applicant Guidebook sets forth seven criteria for identifying the country or territory names that are "not available under the New gTLD Program in this application round." None of these criteria applies to "Patagonia."

"Patagonia" is not a Geographic Name that required documentation of support or non-objection from any government or public authority. Section 2.2.1.4.2 of the Applicant Guidebook identifies five specific categories of gTLD strings that are considered geographic names and require such documentation. These categories are: (1) capital city names; (2) city names where applicants declare that they intend to use the gTLD for purposes associated with the city name; (3) sub-national place names listed in the ISO 3166-2 standard; (4) regional names appearing on the list of UNESCO regions; and (5) regional names on the UN's "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other

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groupings” list. The name “Patagonia” does not fall within any of these categories and does not appear on any of the above lists.

The Geographic Names Panel, which has reportedly completed its review of all gTLD applications, has not contacted Patagonia regarding its .patagonia application.

Patagonia’s .patagonia application is in full compliance with the requirements on Geographic Names set forth in Section 2.2.1.4 of the Applicant Guidebook, and with all other Guidebook requirements. Prohibiting Patagonia’s .patagonia application from proceeding beyond Initial Evaluation based on the GAC Advice renders these clear rules moot.

II. The Board Must Honor Principles of Certainty, Clarity, and Predictability Adopted by the Board and GAC, as well as the GAC’s Own Position on the Definition of Geographic Names.

The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. GNSO Policy Recommendation 1.

The GAC adopted this GNSO policy recommendation on the introduction of new gTLDs as one of the GAC’s general public policy principles in its March 28, 2007 GAC Principles Regarding New gTLDs. The Board adopted this GNSO policy recommendation on the introduction of new gTLDs in June 2008. Board Resolution 2008.06.26.02.

The Board incorporated this policy recommendation into its subsequent statements on the issue of geographic names. For example, in its “ICANN Board Rationale on Geographic Names Associated with the gTLD Program,” the Board found “the balance of retaining certainty for applicants and demonstrating flexibility in finding solutions” and the “goals of providing greater clarity of applicants and appropriate safeguards for governments and the broad community” to be “significant factors” in the Board’s rationale for implementing the new gTLD program containing the adopted measures on geographic names as now set forth in the Applicant Guidebook. Similarly, the Board identified as one of its reasons for the proposed approach to geographic names as now set forth in the Applicant Guidebook the “inten[tion] to create a predictable, repeatable process for the evaluation of gTLD applications. Thus, to the extent possible, geographic names are defined with respect to pre-existing lists.” These pre-existing lists are the same lists referenced in Section 2.2.1.4 of the Applicant Guidebook, the same lists on which “Patagonia” does not appear.

In its May 26, 2011 “GAC Comments on the Applicant Guidebook,” the GAC “accept[ed] ICANN’s interpretation with regard to the definition of geographic names.” This “definition of geographic names” is Section 2.2.1.4 of the Applicant Guidebook – the same section under which Patagonia is not considered a “Geographic Name.”

Moreover, the GAC itself voluntarily recognized that the “definition of geographic names” could implicate brands and, in that event, the relevant government had the responsibility to identify safeguards:

GAC recalls that in cases in which geographic names correspond with generic names or brands, such a regulation would not exclude per se the use of generic names and brands as Top-Level Domains. It would, however, be in the area of responsibility of the adequate government to define requirements and safeguards to prevent the use of those Top-Level Domains as geoTLDs.

GAC Cartagena Communiqué - scorecard to serve as the basis of the GAC approach to Brussels ICANN Board/GAC consultation meeting 28 February-1 March 2011, accessible at <http://archive.icann.org/en/topics/new-gtlds/gac-scorecard-23feb11-en.pdf>.

Under the GAC's position, which it never repudiated or reversed, even if "Patagonia" met the definition of a geographic name (which it does not), the applicable remedial measure is not the rejection of the .patagonia application, is not the insistence that Patagonia withdraw its .patagonia application, and is not GAC Advice that the .patagonia application not proceed to Initial Evaluation. To the contrary, the applicable remedial measure is the delineation by the Argentine Republic and the Republic of Chile of requirements and safeguards to prevent the use of .patagonia as a geoTLD. Yet, as discussed below, neither government has made any meaningful effort to engage collaboratively with Patagonia.

The Board must honor the principles of certainty, clarity, and predictability adopted by the Board itself and incorporated into the Board's rationale on geographic names. Similarly, the Board should also honor the same principles as adopted by the GAC, as well as the GAC's own position on the definition of Geographic Names. The Board should do so by allowing Patagonia's .patagonia application to proceed now beyond Initial Evaluation, and not wait until after the Durban meeting. To do otherwise renders those principles and position moot and effectively constitutes a material and arbitrary change to the Applicant Guidebook, made without proper notice to Patagonia and more than one year after the .patagonia application was submitted.

III. Avoid A Conflict Between Dispute Resolution Proceeding Outcomes and GAC Advice

The Ministry of Foreign Affairs of Argentina has filed a Community Objection against the .patagonia application. Patagonia expects to prevail on the merits. Accordingly, if the Board accepts GAC Advice, the Board may face a situation in which both Patagonia has defeated an ICANN-funded, government-filed Community Objection and subsequent GAC Advice calls for adverse action against the .patagonia application on the same basis found to be without merit by the ICANN-selected Dispute Resolution Provider. Allowing the .patagonia application to proceed now beyond Initial Evaluation avoids such a conflict and honors the dispute resolution process established by the Board.

IV. No Law of the Argentine Republic or the Republic of Chile Prohibits Patagonia's .patagonia Application.

No laws in the Argentine Republic or the Republic of Chile, the two countries that filed Early Warnings against Patagonia's .patagonia application and that presumably sought GAC advice on it, prohibit Patagonia's .patagonia application. Neither country's law contains any special protections for the use of the name "Patagonia," or any limitations or prohibitions on use of that name. Neither country's law prohibits Patagonia, Inc., or any other entity, from applying for or operating a .patagonia gTLD. And there are no restrictions on registration of domain names

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containing or consisting of “patagonia” in the .ar and .cl ccTLDs. See Exhibit A, Declaration of Gustavo P. Giay at ¶¶ 6-7; Exhibit B, Declaration of Bernardo Serrano at ¶¶ 6-7.

To the contrary, the laws of both countries affirmatively protect Patagonia’s trademarks that contain or consist of PATAGONIA (the “PATAGONIA Trademarks”). Patagonia owns 11 registrations for PATAGONIA Trademarks in the Argentine Republic, the first of which issued more than 20 years ago. See Exhibit A, Declaration of Gustavo P. Giay at ¶ 4. Patagonia also owns 5 registrations for PATAGONIA Trademarks in the Republic of Chile, the first of which issued more than 29 years ago. See Exhibit B, Declaration of Bernardo Serrano at ¶ 4. Patagonia has relied on these registrations to secure and enforce rights in its PATAGONIA Trademarks against third parties in both countries.

Moreover, Patagonia owns hundreds of registrations globally for its PATAGONIA Trademarks, including 225 registrations in 61 GAC member countries and entities. This number increases to 306 registrations in 68 GAC member countries and entities if Patagonia’s Benelux registrations are counted separately for Belgium, Luxembourg, and Netherlands; and its Community Trade Mark (EU) registrations are counted separately for each EU member country that is also a GAC member. See Exhibit C. Patagonia’s ownership of these PATAGONIA Trademarks registrations makes clear that the laws of more than half the GAC-member countries also affirmatively protect Patagonia’s PATAGONIA Trademarks.

Neither the Joint Ministerial Statement signed by representatives of the Argentine Republic and the Republic of Chile on November 8, 2012 nor the April 5, 2013 Montevideo Declaration constitutes a prohibition on Patagonia’s .patagonia application. Neither has force of law in the Argentine Republic or the Republic of Chile. In the Argentine Republic, neither can be the basis of an enforcement action, and neither can be enforced privately or by the government. Similarly, in the Republic of Chile, neither can be the basis for a private or government enforcement action. Thus, neither prohibits or limits the use of the name “Patagonia,” generally or specifically as a gTLD. See Exhibit A, Declaration of Gustavo P. Giay at ¶ 9; Exhibit B, Declaration of Bernardo Serrano at ¶ 9.

Finally, even if the Joint Ministerial Statement or the Montevideo Declaration had the force of law, they would be inapplicable to Patagonia’s .patagonia application. Both occurred long after Patagonia had submitted its .patagonia application to ICANN. Similarly, any new law in either country that attempted to limit use of the name “Patagonia” would also be inapplicable. Patagonia’s .patagonia application is in full compliance with applicable law – the law as of the date Patagonia filed its .patagonia application.

V. Consistent With Its Values, Patagonia Has Submitted its .patagonia Application in Good Faith, with Good Intent and Full Transparency.

Patagonia values its contribution toward combatting environmental destruction, making a positive social impact, and achieving profits through principles. Its commitment to these efforts is reflected throughout all areas of its business, including its actions related to its .patagonia application. Patagonia has submitted its .patagonia application to ICANN in good faith, with beneficial intent and full transparency. Patagonia looks forward to providing the general public, the outdoor industry, and all existing and future consumers of PATAGONIA products and services with an authenticated and more secure experience under the .patagonia gTLD.

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Patagonia's passion for preserving wilderness terrain and for restoring damaged areas to their original, natural condition drives the company to do all it can to reverse the decline in the health of the planet. In 2012, Patagonia became California's first Benefit Corporation. While Patagonia's commitment to its environmental mission has long been reflected in its broad range of activities, Benefit Corporation status formally requires Patagonia to commit to its environmental mission in its Articles of Incorporation, and to publish independently verified reports on its social and environmental performance. Other key benefit purposes are: (1) donating 1% of annual gross sales to environmental causes; (2) building the best product with no unnecessary harm; (3) conducting operations causing no unnecessary harm; (4) sharing best practices with other companies; (5) being transparent; and (6) providing a supportive work environment.

Since 1985, Patagonia has donated at least 1% of its sales to hundreds of grassroots environmental organizations around the world. To date, it has awarded over \$46 million in cash and in-kind donations. In 2002, Patagonia founder Yvon Chouinard co-founded 1% For the Planet, which encourages other business leaders to make similar pledges. That initiative now has more than 1,000 members. In 1989, Patagonia co-founded the Conservation Alliance, which has brought together more than 185 companies to support environmental organizations. Since its inception, the Conservation Alliance has contributed close to \$12 million to such organizations and plans to disburse \$1.5 million in 2013.

Patagonia is equally committed to reducing the impact of its own business on the environment. Since 2000, Patagonia has worked with the independent bluesign standard for textiles to evaluate and reduce resource consumption and to screen raw materials used in its supply chain. Since 2001, it has been a Participating Company in the Fair Labor Association, a multi-stakeholder organization that acts as a third-party monitor of its members' factories. Since 2005, Patagonia has recycled 56.6 tons of outdoor clothing through its Common Threads Partnership, which facilitates re-use of pre-owned clothes through eBay, the world's largest marketplace for clothing and apparel. And in 2010, Patagonia co-founded the Sustainable Apparel Coalition, a group of 49 industry leaders in apparel and footwear who work with nonprofits and NGOs to reduce the impact of their businesses on the environment and society.

In May 2013, Patagonia launched \$20 Million & Change, an investment fund set up to help like-minded start-up companies. Through it, Patagonia aims to invest in companies working to bring about positive change in five critical areas: clothing, food, water, energy, and waste. The title is a nod to the fact that \$20 million is a starting amount with the ability to grow, and more important, the ability to "change" the way business is done. Startups funded by \$20 Million & Change must exhibit Patagonia's core values.

Patagonia also values transparency and acting in good faith. By way of example, the company provides information to its customers about its factories and key suppliers and their practices through its Footprint Chronicles microsite. Consistent with these values, Patagonia has proceeded in good faith and reasonable reliance on the rules set forth in the Applicant Guidebook. Its .patagonia application complies with all applicable rules in the Guidebook, not least those governing the use of Geographic Names as gTLDs.

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Also consistent with its values, Patagonia has sought to open a dialogue regarding its .patagonia application with the governments of the Argentine Republic and the Republic of Chile. Ms. Hilary Dessouky, Patagonia’s General Counsel and Vice President, wrote in early February to the Argentine and Chilean Ambassadors to the United States to advise that Patagonia did not intend to withdraw its .patagonia application; and to request a meeting (in person in Washington, DC or by telephone) to discuss their respective country’s concerns regarding the .patagonia application and to explore the possibility of remedial measures other than withdrawal of the .patagonia application. Patagonia eventually received a response from the Chilean Embassy on April 5, 2013 – the second day of GAC consultations in Beijing – and from the Argentine Embassy on April 10, 2013 – the last day of GAC consultations in Beijing. Because of scheduling issues (including Patagonia’s counsel’s presence in Beijing for the ICANN Meeting and Ms. Dessouky’s international business travel), it was not possible to meet with either country’s representatives at that time.

In the meantime, Patagonia filed a PIC Specification for its .patagonia application. Exhibit D. Because the consultation process with the Governments of the Argentine Republic and the Republic of Chile had not yet concluded, Patagonia believed that any substantive, completed PIC Specification would be both incomplete and materially prejudicial to such discussions. Accordingly, Patagonia reserved its rights to submit to ICANN in the future a completed PIC Specification and intends to do so if the completed discussions result in Patagonia’s agreement to implement certain remedial measures.

An initial phone meeting occurred on May 2, 2013 among Ms. Dessouky, Patagonia’s outside counsel, and representatives of the Chilean Embassy. During that meeting, representatives of the Chilean Embassy communicated the general position of the Republic of Chile, but were unable to provide any reactions to remedial measures proposed by Patagonia or any meaningful guidance regarding the Republic of Chile’s view as to whether its concern is capable of being remediated other than through withdrawal of the .patagonia application. The parties agreed to continue meeting after the Chilean Embassy representatives received further instructions from capital.

A phone meeting with the Argentine Embassy is scheduled for May 13, 2013.

* * * *

Patagonia’s .patagonia application complies with all relevant provisions of the Applicant Guidebook, and all provisions of Argentine and Chilean law. The .patagonia application must be evaluated by the Guidebook standards on Geographic Names, which the Board and GAC have accepted, and not by new, arbitrary criteria. Patagonia respectfully submits that the Board should determine not to accept GAC Advice regarding Patagonia’s .patagonia application and should allow the .patagonia application to proceed now beyond Initial Evaluation.

EXHIBIT A

DECLARATION OF GUSTAVO P. GIAY

I, Gustavo P. Giay, hereby declare as follows:

1. I am a partner at the law firm of Marval, O'Farrell & Mairal, a law firm from Buenos Aires, Argentina. I make this declaration in support of Patagonia, Inc.'s .patagonia gTLD application, Appl. No. 1-1084-78254 (the "Application").

2. I received my law degree from Universidad de Buenos Aires in 1994, and in 1997 I obtained an L.L.M. from Northwestern University. Since then I have specialized my legal practice in intellectual property. I represent Patagonia, Inc. in the Argentine Republic in connection with the Application. I am familiar with the facts set forth in this declaration and could, if called as a witness, testify competently with regard to them.

3. Patagonia is a region of the Argentine Republic comprising the provinces of La Pampa, Río Negro, Neuquén, Chubut, Santa Cruz, and Tierra del Fuego, Antártida e Islas del Atlántico Sur. Patagonia is not itself a province of the Argentine Republic. The region has a total surface area of 1,911,605 square kilometers and a population totaling 2,348,973 inhabitants (2010 data)

4. Patagonia, Inc. owns the following trademark registrations in the Argentine Republic containing or consisting of the name "PATAGONIA":

<u>Trademark</u>	<u>Country</u>	<u>Current Reg. No.</u>	<u>Reg. Date</u>	<u>Classes</u>	<u>Notes</u>
PATAGONIA	Argentina	1,893,074	09-30-1992	25	Originally registered as No. 1,404,964.
PATAGONIA & Design	Argentina	1,984,365	09-30-1992	25	Originally registered as No. 1,404,158.
PATAGONIA (Stylized)	Argentina	2,019,929	12-30-1993	18	Originally registered as No. 1,493,559.

<u>Trademark</u>	<u>Country</u>	<u>Current Reg. No.</u>	<u>Reg. Date</u>	<u>Classes</u>	<u>Notes</u>
PATAGONIA & Design	Argentina	2,019,930	12-30- 1993	18	Originally registered as No. 1,493,560.
PATAGONIA (Stylized)	Argentina	2,068,861	09-12- 1995	25	Originally registered as No. 1,574,931.
PATAGONIA & Design	Argentina	2,180,825	05-27- 1997	28	Originally registered as No. 1,633,794.
PATAGONIA (Stylized)	Argentina	2,342,741	12-18- 1998	28	Originally registered under No. 1,710,930
PATAGONIA UNIVERSITY	Argentina	2,136,282	07-18- 2005	16	
PATAGONIA UNIVERSITY	Argentina	2,136,286	01-09- 2007	41	
PATAGONIA UNIVERSITY	Argentina	2,136,288	01-09- 2007	42	
PATAGONIA UNIVERSITY	Argentina	2,137,233	01-09- 2007	9	

By virtue of Patagonia, Inc.'s ownership of the above trademark registrations, Argentine law affirmatively protects Patagonia, Inc.'s use of the name "Patagonia" in its trademarks.

5. Argentine Trademark Law does not contain any provisions that would allow the Trademark Office or any other administrative agency to unilaterally revoke, cancel, or withdraw Patagonia, Inc.'s trademark registrations identified in paragraph 4.

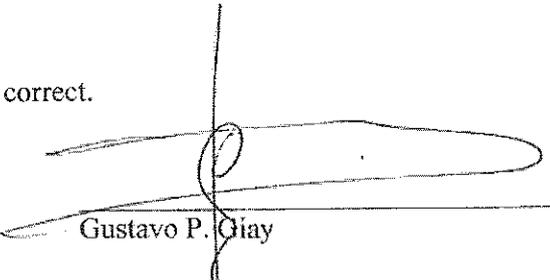
6. Argentine trademark law contains no specific protections for or prohibitions of the use of the name "Patagonia." There are no special legal protections for or limitations on use of the name "Patagonia" by itself under Argentine federal law.

7. Argentine federal law does not prohibit Patagonia, Inc., or any other entity from applying for and operating a .patagonia gTLD. Similarly, there are no restrictions on registration of <patagonia> domain names in the .ar ccTLD.

8. The Joint Ministerial Statement signed by the Governments of the Republic of Chile and the Argentine Republic on November 8, 2012 regarding “the importance of protecting the use of the name Patagonia,” does not have the force of law in the Argentine Republic. It cannot be the basis of an enforcement action, nor can it be enforced either privately or by the government, and as such it does not prohibit or limit the use of the name “Patagonia,” generally or specifically as a gTLD (e.g., .patagonia).

9. The Montevideo Declaration of the Fourth Ministerial Conference on the Information Society in Latin America and the Caribbean, dated April 5, 2013, which declares an intent to “[r]eject any attempt to appropriate, without the consent of the respective countries of Latin America and the Caribbean, the denominations ‘amazon’ and ‘patagonia’ in any language,” does not have the force of law in the Argentine Republic. It cannot be the basis of an enforcement action, nor can it be enforced either privately or by the government, and as such it does not prohibit or limit the use of the name “Patagonia,” generally or specifically as a gTLD (e.g., .patagonia).

I declare that the foregoing is true and correct.



Gustavo P. Giay

MAY 9, 2013.-

Date

EXHIBIT B

DECLARATION OF BERNARDO SERRANO

I, Bernardo Serrano, hereby declare as follows:

1. I am the senior partner at the law firm of Estudio Villaseca. I make this declaration in support of Patagonia, Inc.'s .patagonia gTLD application, Appl. No. 1-1084-78254 (the "Application").

2. I received my law degree from Pontificia Universidad Católica de Chile in 1973. Since that date, my legal practice has specialized in industrial and intellectual property, as well as Internet-related matters. I represent Patagonia, Inc. in the Republic of Chile in connection with intellectual property matters. I am familiar with the facts set forth in this statement and could, if called as a witness, testify competently with regard to them.

3. "Patagonia" is not the name of any official region, province, or any other political or geographic division of the Republic of Chile. Rather, it is the name of a determined portion of land without official political boundaries in the south of the Republic of Chile, between the Andes Mountains and the Pacific Ocean. Traditionally, Chilean Patagonia is considered to comprise the Palena province and the Aysen and Magallanes regions. However, according to a minority of sources, Patagonia also includes portions of the Los Ríos region, as well as the Osorno, Llanquihue, and Chiloé provinces.

4. Patagonia, Inc. owns the following trademark registrations in the Republic of Chile containing or consisting of the name "PATAGONIA":

<u>Trademark</u>	<u>Current Reg. No.</u>	<u>Reg. Date</u>	<u>Classes</u>	<u>Notes</u>
PATAGONIA	694,562	06-03-2004	25	Originally registered 01-18-1984 as No. 282,191.
PATAGONIA	871,525	11-15-2009	18	Originally registered 11-15-1999 as No. 552,927.

<u>Trademark</u>	<u>Current Reg. No.</u>	<u>Reg. Date</u>	<u>Classes</u>	<u>Notes</u>
PATAGONIA	754,375	01-31-2006	21, 9	
PATAGONIA	894,419	08-18-2010	35	
PATAGONIA CHILE	936,338	10-27-2011	35	

By virtue of Patagonia, Inc.'s ownership of the above trademark registration, Chilean law affirmatively protects Patagonia, Inc.'s use of the name "Patagonia" in its trademarks.

5. Under Chilean trademark law, the National Institute of Intellectual Property cannot unilaterally cancel, revoke, or withdraw Patagonia, Inc.'s trademark registrations.

6. Chilean law contains no protections for, or limitations or prohibitions on, the use of the name "Patagonia."

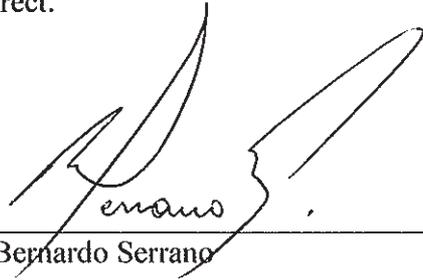
7. Chilean law does not refer to gTLDs, and does not prohibit Patagonia, Inc., or any other entity, from applying for or operating a .patagonia gTLD. Similarly, there are no restrictions on registration of the domain name <patagonia> in the .cl ccTLD.

8. The Joint Ministerial Statement signed by the Governments of the Republic of Chile and the Argentine Republic on November 8, 2012 regarding "the importance of protecting the use of the name Patagonia" reflects a statement of political intent. This Statement does not have the force of law in the Republic of Chile. It cannot be the basis of an enforcement action, either privately or by the government, and as such it does not prohibit or limit use of the name "Patagonia," generally or specifically as a gTLD (e.g., .patagonia).

9. The Montevideo Declaration of the Fourth Ministerial Conference on the Information Society in Latin America and the Caribbean, dated April 5, 2013, which declares an intent to reject any attempt to appropriate, without the consent of the respective countries of Latin

America and the Caribbean, the denominations 'amazon' and 'patagonia' in any language," reflects a statement of political intent. This Declaration does not have the force of law in the Republic of Chile. It cannot be the basis of an enforcement action, either privately or by the government, and as such it does not prohibit or limit use of the name "Patagonia," generally or specifically as a gTLD (e.g., .patagonia).

10. I declare that the foregoing is true and correct.


Bernardo Serrano

May 9, 2013.
Date

EXHIBIT C

**Patagonia, Inc. Registrations for PATAGONIA Trademarks
May 10, 2013**

GAC Member ¹	Number of Registrations	Earliest Issue or Effective Date	GAC Member	Number of Registrations	Earliest Issue or Effective Date
Argentina	11	1992	Mexico	7	1990
Armenia	1	2004	Morocco	1	2005
Australia	6	1983	New Zealand	6	1983
Austria	2	1982	Norway	2	1986
Bahrain	6	2006	Oman	6	2006
Belarus	1	2008	Pakistan	6	2007
Belgium (Benelux Office for Intellectual Property) ²	3	1984	Paraguay	1	1994
Brazil	4	1990	Peru	3	1993
Bulgaria	1	2011	Poland	2	2004
Canada	3	1987	Portugal	4	1991
Chile	5	1984	Qatar	6	2006
China	4	1991	Russian Federation	1	2010
Colombia	1	1998	Serbia	1	2005
Czech Republic	3	2002	Singapore	5	1990
Denmark	2	1987	Slovakia	2	2002
Estonia	1	2004	Slovenia	1	1995
European Commission (Office for Harmonization in the Internal Market) ³	3	2002	South Africa	4	1984
Finland	3	1989	Spain	7	1988
France	3	1982	Sweden	2	1986
Germany	4	1982	Switzerland	1	1983
Hong Kong SAR, China	5	1988	Taiwan	5	1985
Hungary	1	2002	Thailand	5	1990
Iceland	3	1988	Tunisia	1	2009
India	4	2005	Turkey	3	2001
Indonesia	3	2004	Ukraine	1	1995
Italy	3	1982	United Arab Emirates	6	2006
Japan	11	1990	United Kingdom	4	1982
Jordan	6	2006	United States of America	13	1982
Korea, Republic of	5	1986	Uruguay	1	1990
Kuwait	7	2006	Vietnam	1	2005
Malaysia	2	2003			

¹ Country and entity names are those used in the list of [GAC Representatives](#) available on the GAC's website.

² A trademark registrations issued by the Benelux Office for Intellectual Property provides protection in Belgium, Luxembourg, and Netherlands. For purposes of this chart, these registrations have been counted only as being Belgian registrations.

³ A trademark registration issued by OHIM, referred to as a Community Trade Mark ("CTM"), provides protection in all member countries of the European Union. Accordingly, Patagonia's CTM registrations of its PATAGONIA Trademarks provide protection in the following EU-member countries that are also GAC members: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and United Kingdom. For purposes of this chart, these registrations have been counted only as being European Commission registrations.

EXHIBIT D

gTLD String: .patagonia
Applicant Entity Name: Patagonia, Inc.
Application ID#: 1-1084-78254

SPECIFICATION 11

PUBLIC INTEREST COMMITMENTS

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013 (or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted])), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Patagonia, Inc.'s Reservation of Rights

Patagonia, Inc. ("Patagonia") has no objection in principle to submitting a Public Interest Commitments ("PIC") Specification. However, for the reasons set forth below, Patagonia hereby reserves its rights to submit to ICANN in the future a completed Section 2 of the PIC Specification:

A. Patagonia has requested the opportunity to meet with representatives of the Governments of the Argentine Republic and the Republic of Chile to discuss the concerns the Governments of the Argentine Republic and the Republic of Chile, respectively, have raised in their Early Warnings, to provide more detail about Patagonia's plans for the use of .patagonia, and to discuss potential alternative remedial measures to address the issues raised by the respective Governments in their respective Early Warnings. The requested meetings and discussions have not yet occurred. Until the consultation process with the Governments of the Argentine Republic and the Republic of Chile has been concluded, Patagonia believes that any substantive, completed Section 2 of the PIC Specification submitted by Patagonia at this time would be both incomplete and materially prejudicial to such discussions.

B. Sections 2 of the PIC Specification require Registry Operators to agree to be bound by a Public Interest Commitment Dispute Resolution Process that has not yet been drafted, that has not yet been disclosed, and, most importantly, about which the ICANN community – including new gTLD applicants such as Patagonia – has been unable to provide any meaningful opportunity for review, comment, and consultation.

C. ICANN has not stated if a completed Section 2 of the PIC Specification is a prerequisite to an Applicant's adoption and implementation of restrictions on the registration and use of domain names in the applied-for gTLD to itself where the Applicant has previously set forth such restrictions in its Question 18 response contained in its application.

3. Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply

with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

Patagonia, Inc.'s Reservation of Rights

Patagonia, Inc. ("Patagonia") has no objection in principle to submitting a Public Interest Commitments ("PIC") Specification. However, for the reasons set forth below, Patagonia hereby reserves its rights to potentially submit to ICANN in the future a completed Section 3 of the PIC Specification:

A. Patagonia has requested the opportunity to meet with representatives of the Governments of the Argentine Republic and the Republic of Chile to discuss the concerns the Governments of the Argentine Republic and the Republic of Chile, respectively, have raised in their Early Warnings, to provide more detail about Patagonia's plans for the use of .patagonia, and to discuss potential alternative remedial measures to address the issues raised by the respective Governments in their respective Early Warnings. The requested meetings and discussions have not yet occurred. Until the consultation process with the Governments of the Argentine Republic and the Republic of Chile has been concluded, Patagonia believes that any substantive, completed Section 3 of the PIC Specification potentially submitted by Patagonia at this time would be both incomplete and materially prejudicial to such discussions.

B. Section 3 of the PIC Specification require Registry Operators to agree to be bound by a Public Interest Commitment Dispute Resolution Process that has not yet been drafted, that has not yet been disclosed, and, most importantly, about which the ICANN community – including new gTLD applicants such as Patagonia – has been unable to provide any meaningful opportunity for review, comment, and consultation.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Design, LLC
Application ID	1-1086-100
Applied for TLD (string)	.art

Response:

Raymond King
742 Ocean Club Place
Fernandina Beach, FL 32034-6520

May 8th, 2013

ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094

Subject: Response to the Beijing Communiqué (11 April, 2013)

To the Board of the Internet Corporation for Assigned Names and Numbers’ (ICANN) and the full membership of its Governmental Advisory Committee (GAC):

We would like to not only acknowledge receipt of the GAC’s most recent communiqué from the April 2013 ICANN meeting in Beijing, but would also like to thank the entire GAC for their continued, tireless efforts in helping create a safe and successful program to introduce new TLDs.

We foresee no problems implementing any of the GAC advice that is approved as policy by the ICANN Board, both for applications cited in the GAC’s “Safeguard Advice,” and the rest of our portfolio. We look forward to guidance from the ICANN Board on requirements and implementation.

In our Annex, we address specific points within the GAC’s Beijing Communiqué.

GAC Advice Response Form for Applicants



We have always have had every intention to comply with all decisions reached by the ICANN Board, including those arising from interaction with the GAC, such as but not limited to, protections for geographic names, IGOs, the IOC and Red Cross, etc.

We note that there is no clearly defined process for incorporating and committing operations to the relevant GAC advice and that the ICANN Board has not yet determined how it will interpret, incorporate, and enforce the GAC Advice. We acknowledge the advice and will comply with all relevant decisions. However, we are not prepared to submit formal change requests to our applications at this stage. Instead, we suggest a process to incorporate any requirements into the Registry Agreements of the TLDs in question as required or requested by the ICANN Board. It is important that this process does not further delay the New TLD Program.

We also encourage the Board to discuss whether the current GAC advice follows the definition and role of the process as outlined in the Applicant Guidebook. It is our view that the majority of the current advice does not follow the focused role of GAC advice as defined in the Applicant Guidebook. While this current GAC document seems to be more aligned with top-down policy development, it does not forestall our ability to implement and comply with all relevant decisions.

We look forward to continuing to work with the GAC and all other ICANN stakeholders to bring innovation and greater identity to the top level. We reaffirm our commitment to adhere to all relevant agreements and further participate in the development of best practices for new TLD registries and the DNS industry as a whole.

Ray King
Top Level Design, LLC

Annex

The following feedback addresses points brought up by the GAC in Section IV of its Beijing CommuniquÃ©:

1. We are of the opinion that blocking all IGO names as outlined by the GAC in previous advice will remove a significant number of important acronyms and terms from use that do not threaten to confuse users or impede the work of the IGO in question. We believe that the likelihood of user confusion with regards to specific TLDs should be considered in the implementation process for IGO related blocks. We look forward to the timely resolution of this issue and intend to comply in full with the outcome.
2. We join the GAC in commending the parties involved in the RAA discussions on their progress and hope that wide support and adoption of a new RAA can resolve any need to explicitly link it to our own New TLD Registry Agreements. We are opposed to establishing this link at this time as it creates a precedent of linking disparate negotiations while the negotiations remain ongoing. We are not aware of any such precedent and we believe that any attempt to utilize ongoing discussions and negotiations between ICANN and one of its contracted parties to

GAC Advice Response Form for Applicants



influence separate, concurrent negotiations with another contracted party is contrary to ICANN's established multistakeholder model.

3. We request guidance from the ICANN Board regarding any unique way of incorporating GAC Advice other than the change request process outlined in the Applicant Guidebook. We are concerned that the change request process will significantly affect the timing for signing our Registry Agreements and launching our TLDs. We encourage the Board to develop a model that addresses these very serious timing concerns.

II.

Three of our applied for TLDs were specifically mentioned in the GAC's Annex I, Category 1, "Consumer Protection, Sensitive Strings, Regulated Markets," they are: .llc, design, .art.

We would like to note that "art" and "design" are not regulated in the same way banks, hospitals, and legally incorporated entities are. Thus, no section of the art/design markets should be seen as having special authority in a .art/.design TLD. However, it seems that the GAC has narrowed its concern with .art and .design to the intellectual property realm. We stress that our protections for our entire portfolio will guarantee that their concerns related to intellectual property are seriously and adequately addressed.

We believe that, in contrast to .design and .art, .llc (recognized acronym for "limited liability company") does in fact represent a regulated market as there is a clear entry barrier for recognition and participation in this space. We have provided our intent to monitor this space effectively in our original application for .llc (#1-1086-42934) and once again confirm those intentions here.

To address the numbered GAC points in this section:

1. We will hold the registrants of these 3 TLDs to a rigorous Acceptable Use Policy (AUP), which will be crafted to address all GAC Advice as implemented by the ICANN Board.
2. All of our registrar partners will be required to have registrants acknowledge and agree to our acceptable use policy.
3. This provision does not naturally apply to these TLDs given that .llc, .art, and .design have no logical connection to financial or health related registration requirements and we will not be soliciting related information from our registrants.
4. There is no regulatory body that should be given authority over .art or .design, and we disagree with any claims otherwise for the aforementioned reasons. We note that LLC eligibility is recognized in the USA and is determined at the state level by the secretary of state or similar authority with jurisdiction over the applying entity. We will work with these empowered authorities to ensure that our registrants represent legitimate limited liability companies. This is already outlined in our original application (#1-1086-42934) and we refer those concerned to that document. To summarize, legitimate LLC standing will be verified via a pre-registration process and we hope to have a close working relationship with the secretaries of state, though

GAC Advice Response Form for Applicants



LLC status is verifiable via public, query-based databases and so successful follow-through on our commitment does not depend on the active participation of all relevant offices.

III.

The GAC goes on to further advise the board that some of the strings specified should require pre-registration verification. While the specific strings are not identified, we believe that in our case this only logically applies to .llc.

As noted above, we will utilize pre-registration verification of LLC status for the successful registration of the .llc TLD; we will reach out to and welcome the active participation of all relevant authorities to help develop policies and procedures to ensure that registrations are verified as efficiently as possible.

IV.

We note the many questions asked by the GAC related to PICs in their Annex II and would like to stress that the ambiguities of the program influenced our decision to not submit PICs.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Design, LLC
Application ID	1-1086-42934
Applied for TLD (string)	.llc

Response:

Raymond King
742 Ocean Club Place
Fernandina Beach, FL 32034-6520

May 8th, 2013

ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094

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GAC Advice Response Form for Applicants



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Ray King
Top Level Design, LLC

Annex

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GAC Advice Response Form for Applicants



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GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Design, LLC
Application ID	1-1086-90196
Applied for TLD (string)	.design

Response:

Raymond King
742 Ocean Club Place
Fernandina Beach, FL 32034-6520

May 8th, 2013

ICANN
12025 Waterfront Drive
Suite 300
Los Angeles, California 90094

Subject: Response to the Beijing Communiqué (11 April, 2013)

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GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	STADA Arzneimittel AG
Application ID	1-1089-42298
Applied for TLD (string)	STADA

Response:

Summary

STADA ARZNEIMITTEL AG welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

STADA ARZNEIMITTEL AG welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .STADA by STADA ARZNEIMITTEL AG

STADA ARZNEIMITTEL AG would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by STADA ARZNEIMITTEL AG for .STADA based on General Safeguards

STADA ARZNEIMITTEL AG, the applicant for the .STADA top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - STADA ARZNEIMITTEL AG will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. STADA ARZNEIMITTEL AG will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - STADA ARZNEIMITTEL AG will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets,

GAC Advice Response Form for Applicants



phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, STADA ARZNEIMITTEL AG will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If STADA ARZNEIMITTEL AG identifies security risks that pose an actual risk of harm, STADA ARZNEIMITTEL AG will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - STADA ARZNEIMITTEL AG will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. STADA ARZNEIMITTEL AG will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - STADA ARZNEIMITTEL AG will ensure that there is a mechanism for making complaints to STADA ARZNEIMITTEL AG that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, STADA ARZNEIMITTEL AG shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

STADA ARZNEIMITTEL AG would like to note that registration policies will be setup according to this request.

STADA ARZNEIMITTEL AG would like to note that .STADA is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore STADA ARZNEIMITTEL AG would like to state that the .STADA is not in the public interest, but a representation of Intellectual property rights of STADA ARZNEIMITTEL AG.

STADA ARZNEIMITTEL AG reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dadotart, Inc.
Application ID	1-1097-20833
Applied for TLD (string)	.ART

Response:

Dadotart agrees in principle with the points which ICANN’s Government Advisory Committee (GAC) has raised in connection with the need to safeguard consumers, and submits the following clarifications.

A) Community Applications

As an applicant for the .ART TLD on behalf of the Arts Community, Dadotart expresses its support to the GAC position stated in its Beijing Communiqué, Point IV.e to the effect: “..that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

B) Safeguards for the .ART TLD

Dadotart further concurs with the GAC when it states that TLDs specially relevant to the protection of consumers' trust must be operated in full conformity with applicable laws and apply relevant policies in an open and non-discriminatory manner. The Dadotart application contains all the necessary safeguards to guarantee that registrants in the .ART TLD not only comply with applicable laws, but that the namespace enables the highest level of consumer trust.

Registration policies.

As provided in the Dadotart application, registration in ART will be available only to members of the Arts Community, under the following conditions:

GAC Advice Response Form for Applicants



(a) Eligibility: The Art Community is comprised of individuals, groups of individuals and legal entities who identify themselves with the Arts and actively participate in or support Art activities or the organization of Art activities.

(b) the registrant's use of the roman name will be subject to the further requirement that the registrant's participation or support in the Art Community arena and the registrant's use of the domain name must be:

- (i) Generally accepted as legitimate;
- (ii) Of a nature that demonstrates the registrant's membership in the Art Community; and
- (iii) Conducted in good faith at the time of registration and thereafter.

(In order to facilitate enforcement procedures, registrants must state at the time of registration their intent of use for the concrete domain name. Please check Dadotart's response in the application to Q20(e) for a more detailed description of the policy described above).
Enforcement Mechanisms.

As set out in the Dadotart application, Dadotart will implement enforcement mechanisms to maintain the quality of the .ART TLD namesake and its compliance with the rules, and mitigate possible abuses.

In this regard, we refer you to the .ART TLD application and the detailed explanations in Dadotart's responses to the Questions noted in each of the following categories:

1. Rapid Takedown Policy for cases of general malicious conduct (Q28.1)
2. Single Point of Contact for Abusive behavior on the Registry's side (Q28.3)
3. Ex-Oficio Random Checks of the usage of registered Domain Names (Q20.e)

We firmly believe that in conjunction with our registration policies and ICANN-mandated policies and Dispute Resolution Procedures, Dadotart adequately addresses all the safeguards outlined by the GAC both for those applicable to all new gTLDs as well as the additional safeguards advised for certain categories of new gTLDs.

C) Conclusion

With regard to the more operational and policy specific points contained in the GAC advice, Dadotart's looks forward to the output of ICANN's current public forum in connection with the GAC's most recent advice.

Dadotart, Inc. : May 09, 2013

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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	Charleston Road Registry Inc.
Applicant ID	1-1099-17190
Applied for TLD (string)	.CLOUD

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .CLOUD application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .CLOUD TLD

CRR initially applied for the .CLOUD TLD in order to provide a dedicated namespace for cloud offerings for its parent company, Google. On March 7, 2013, CRR submitted [Public Comments](#) responding to the Board's request for input on "Closed Generic" applications and announced that we would work to amend our application to allow third parties to register within the TLD as well. On April 6, 2013, CRR sent a [letter](#) to Christine Willett, ICANN's New gTLD Program General Manager, stating our plan to amend our .CLOUD application from an exclusive access model to a restricted access TLD model. We continue to work with others in the Cloud community to define the model for the TLD, but we intend for it to be used to offer cloud services to developers.

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .CLOUD Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards that should apply to the .CLOUD string under the Intellectual Property Category. It is our belief that the safeguard advice the GAC has requested for this string does not apply to CRR's application for .CLOUD as "cloud" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "cloud" is a generic word that is not directly related to a specific type of regulated offering, nor is it generally associated with a specific type of content for which intellectual property safeguards would be appropriate. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Category 2.2 - Exclusive Access Safeguard Advice Does Not Apply to CRR's .CLOUD

CRR notes .CLOUD is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. As noted above, our application for .CLOUD was originally submitted to ICANN as an exclusive access TLD but have subsequently announced our intention to modify the application to be a restricted access model, limited to uses related to cloud service offerings. We are currently in active discussions with others in the community and will submit a change request to ICANN with details of changes to our application in the near future. Exclusive access model means the TLD is limited to the exclusive use of the applicant, whereas we intend for the TLD to be open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to those who meet the restriction guidelines. Therefore, it is our belief that CRR's

application for .CLOUD is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .CLOUD should not be included on the GAC's list of applications subject to either Category 1 or Category 2.2 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .CLOUD is targeted at cloud service offerings, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property. Similarly, .CLOUD will not be operated on an exclusive-use basis so the Category 2.2 advice should not apply. Therefore, we respectfully request that CRR's application for .CLOUD not be subject to any string-specific safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1099-17603
Applied for TLD (string)	.BOOK

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .BOOK application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .BOOK

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .BOOK, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .BOOK string under the Intellectual Property category. It is our belief the safeguard advice the GAC has is already addressed in our application for .BOOK. The following table outlines the GAC's safeguard advice and how our .BOOK application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .BOOK application. The .BOOK TLD targets authors, publishers, and online retailers. We do not expect registrants of the .BOOK TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.
5	Registry will require registrants to provide	During the registration process, registrants

<p>a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.</p>	<p>are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."</p>
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .BOOK and Category 2.1 Safeguard Advice for .BOOK

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .BOOK string.

CRR's application for .BOOK is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .BOOK community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .BOOK. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.
- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .BOOK

CRR notes .BOOK is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .BOOK is a restricted access TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to any registrant who meets restriction guidelines. Therefore, it is our belief that CRR's application for .BOOK is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .BOOK application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2.1 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. In addition, because our application for .BOOK is a restricted access TLD model and not an exclusive access TLD model it is our belief that CRR's application for .BOOK is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1110-17668
Applied for TLD (string)	.sale

Response:

Following GAC advice to the ICANN Board ("GAC Communiqué – Beijing") regarding the GAC's concerns about the string .sale, Top Level Domain Holdings Limited has withdrawn its application for .sale.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1110-29042
Applied for TLD (string)	.video

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1110-66434
Applied for TLD (string)	.school

Response:

Top Level Domain Holdings Limited (TLDH) submitted public interest commitments (PICs) prior to the GAC Beijing Communiqué which address the GAC's concerns regarding abusive activity.

We will have a single point of contact, as discussed in our PICs, as well as community policing and an ombudsperson. There will be a single point of contact for allegations of abuse to be submitted to, making it easy for the community and for law enforcement to have their concerns quickly addressed.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Top Level Domain Holdings Limited
Application ID	1-1110-73648
Applied for TLD (string)	.spa

Response:

Following GAC advice to the ICANN Board ("GAC Communiqué – Beijing") that the Board not proceed beyond Initial Evaluation with the string .spa, Top Level Domain Holdings Limited has withdrawn its application for .spa.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	TelecityGroup International Limited
Application ID	1-1113-2279
Applied for TLD (string)	TELECITY

Response:

Applicant notes the GAC Advice regarding "Safeguards Applicable to all New gTLDs" and will engage in best efforts to comply with the safeguards set out by the GAC as part of any contractual undertakings between itself as Registry Operator for .TELECITY and ICANN under the Registry Agreement.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	DotMusic Limited
Application ID	1-1115-14110
Applied for TLD (string)	MUSIC

Response:

DotMusic commends GAC for its advice corresponding to sensitive strings, namely music-themed strings which are highly vulnerable to piracy and copyright infringement to serve the global public interest and the creator community at-large. We agree that applications for sensitive strings (such as .MUSIC, .TUNES, .SONG and .BAND.) without enhanced safeguards that protect copyright as well as appropriate policies that do not proactively protect intellectual property and mitigate abuse should be disqualified. Furthermore, we fully agree with GAC's assessment on the issues of exclusive and restricted access to TLDs. If legitimate members of a community are excluded from registration that would constitute material harm to the legitimate interests of a significant portion of that corresponding community. Any application that is not inclusive of all legitimate constituents, such as "Do-It-Yourself" artists or music fans, creates a likelihood of material harm, anti-competitive issues and unfair discrimination, and should be disqualified. These points were also reiterated in the music-themed Community Objections we filed with the International Chamber of Commerce (ICC) for the strings .MUSIC, .TUNES, .SONG and .BAND.

We would also like to strongly reiterate that ICANN must uphold their "New gTLD Application Change Request Process and Criteria" rules in some cases where material changes to competing applications would negatively harm some applicants (who have already incorporated and surpassed GAC's safeguard advice in their application) and benefit others in the process. Such changes by competing applicants would be deemed material (<http://newgtlds.icann.org/en/applicants/customer-service/change-requests>) and would negatively affect and inflict harm on our community-based application since our application's policies surpass GAC's safeguards and we have incorporated additional safeguards to serve the interests of the music community. It would be deemed grossly unfair for competing applicants to be allowed to materially change their applications as a direct response to GAC advice and Community Objections (such as those we filed with the ICC against .MUSIC, .TUNES, .SONG, .BAND applicants outlining the same issues that GAC has expressed in their Beijing

GAC Advice Response Form for Applicants



Communique). We agree and reiterate GAC's advice "that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information."

Through our public meetings (<http://www.music.us/events.htm>) and interactions with the global music community, we have incorporated the most enhanced safeguards of any .music applicant (or any other applicant that relates to a sensitive string strongly associated to copyright) and will continue to develop more technology to further thwart piracy and enable stronger copyright protection. We agree with GAC's advice that strings, such as music-themed strings, "are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm."

Our application's safeguards surpass those illustrated in GAC's Communique including:

- a) WHOIS Verification System to verify WHOIS accuracy in the form of email and phone authentication of registrants. As indicated in our community-based application, DotMusic will work dedicatedly and directly with law-enforcement agencies, authorities, ICANN working Groups, and other security experts in the ongoing development of promoting WHOIS data accuracy.
- b) Certification by Registrant that the domain name will be used only for licensed, legitimate activities, and not to facilitate piracy
- c) Rightsholder Complaint Mechanism that certification is being violated or that piracy or other abuses are being enabled. Complaints trigger registry and registrar investigations, with prompt notice to registrants, a reasonable opportunity for them to respond, and corrective action will take place in the case of violations
- d) Auditing Mechanism that certification is being respected with appropriate remediation steps following when violations are detected.
- e) Negative consequences for registrants who violate certification, allow infringing activities, conduct abusive behavior and falsify registrant contact and WHOIS data.
- f) Rotating multi-stakeholder board of neutral and fair representation of all music constituents, including commercial and non-commercial entities. As part of our community-based mission we have established a working relationship with relevant bodies within the music community (<http://www.music.us/supporters.htm>) and have work closely with them to develop our policies to serve the music community, to protect intellectual property and mitigate abuse. We agree with the GAC Beijing Communique that applicants must "establish a working relationship with the relevant regulatory, or industry self--regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities" so there is no conflict of interest in the management of music-themed strings and that they are operated in the global public interest and serving the creator community, not harming them. We agree that non-community-based application that does not incorporate a multi-stakeholder governance of relevant bodies and constituents must be disqualified.

We are the ONLY music-themed string applicant (or any other applicant that relates to a sensitive string strongly associated to copyright) that includes:

- (i) Name Selection Policy to ensure only music-related names are registered as domains under .MUSIC, with the following restrictions: (1) A name of (entire or portion of) the musician, band,

GAC Advice Response Form for Applicants



company, organization, e.g. the registrants “doing business as” name (2) An acronym representing the registrant (3) A name that recognizes or generally describes the registrant, or (4) A name related to the mission or activities of the registrant. This policy is central to preventing cybersquatting and not allowing illegitimate 3rd-parties from registering others’ names

(ii) Music-dedicated Usage Policy that ensures usage and content only relate to music activities. This raises the quality level of .music domains and ensures that non-music related content, such as pornography, is not acceptable

(iii) Dedicated Music Policy and Copyright Infringement Dispute Resolution Policy (MPCIDRP)

(iv) Globally Protected Marks List that includes RIAA-certified platinum artists/bands and globally-recognized music brands

(v) Random compliance audits

(vi) Registrant validation and authentication of email and phone

We are also developing further safeguard enhancements in the form of content theft protection mechanisms such as content crawling and fingerprinting technology which may be used in conjunction with our premium channels and song registry as described in our application.

The primary objective of our enhanced safeguards is to improve user experience in terms of providing higher quality, legal music-focused destinations and to ensure that .music becomes a haven for legal consumption where monies flow to the music community not pirates or illegitimate sites.

We support any measure ICANN will incorporate to protect the intellectual property of the creator community and ensure that strings that are associated with copyright are not abused by pirates and bad actors.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Núcleo de Informação e Coordenação do Ponto BR - NIC.br
Application ID	1-1119-71934
Applied for TLD (string)	BOM

Response:

We welcome the GAC Input on the topic of safeguards applicable to all new gTLDs. Although some of the ideas are unfeasible, most measures of improvement to WHOIS accuracy are possible and would bring a higher degree of trust in the Domain Name System. A significant portion of those will be in place in the gTLD we've applied for even without a guidebook requirement of those provisions. We expect though these safeguards to be uniformly applied to all gTLD, both new and pre-existent. Most of the gTLD domains used in the DNS will still be from pre-2013 gTLDs for the years to come, and imposing burdens only on new gTLDs might hinder program objectives such as increasing competition, consumer choice and consumer trust. When such measures are applied through Consensus Policies, all gTLDs are required to follow and have contractual oversight of compliance. We also note that most of these topics are currently being discussed in the Expert Working Group on gTLD Directory Services, so any commitment at this point would possibly require modifications after the GNSO Policy based on the Working Group output is passed. Considering Consensus Policies are enforced on gTLD contracts through the Picket Fence, we decided not to file any Public Interest Commitments to address this advice.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Núcleo de Informação e Coordenação do Ponto BR - NIC.br
Application ID	1-1119-72288
Applied for TLD (string)	FINAL

Response:

We welcome the GAC Input on the topic of safeguards applicable to all new gTLDs. Although some of the ideas are unfeasible, most measures of improvement to WHOIS accuracy are possible and would bring a higher degree of trust in the Domain Name System. A significant portion of those will be in place in the gTLD we've applied for even without a guidebook requirement of those provisions. We expect though these safeguards to be uniformly applied to all gTLD, both new and pre-existent. Most of the gTLD domains used in the DNS will still be from pre-2013 gTLDs for the years to come, and imposing burdens only on new gTLDs might hinder program objectives such as increasing competition, consumer choice and consumer trust. When such measures are applied through Consensus Policies, all gTLDs are required to follow and have contractual oversight of compliance. We also note that most of these topics are currently being discussed in the Expert Working Group on gTLD Directory Services, so any commitment at this point would possibly require modifications after the GNSO Policy based on the Working Group output is passed. Considering Consensus Policies are enforced on gTLD contracts through the Picket Fence, we decided not to file any Public Interest Commitments to address this advice.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Guangzhou YU Wei Information Technology Co., Ltd.
Application ID	1-1121-22691
Applied for TLD (string)	广州

Response:

The applicant appreciates the opportunity to provide the response below to the ICANN Board of Directors regarding the GAC's advice concerning the applicant's applied for string 广州 (GUANGZHOU).

The applicant was aware of the requirement of a support or non-objection letter for its geographic name gTLD application from the relevant governments or public authorities. As the applicant is a legal entity established and conducting its TLD business in the People's Republic of China, the applicant anticipated that such letter would be issued by the Ministry of Industry and Information Technology (“MIIT”), according to No. 89 Announcement promulgated by the MIIT, before the closing of the new gTLD application window.

However, the applicant subsequently learned that the MIIT letter of support was contingent upon the applicant reaching an agreement with the Guangzhou municipal government in relation to the application.

The applicant then immediately commenced dialogues with the Guangzhou government, during which time, the applicant received the GAC Early Warning regarding the need to obtain a support or non-objection letter from the relevant governments or public authorities.

The applicant is continuing its dialogue with the Guangzhou government. In the last few months

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Guangzhou YU Wei Information Technology Co., Ltd.
Application ID	1-1121-82863
Applied for TLD (string)	深圳

Response:

The applicant appreciates the opportunity to provide the response below to the ICANN Board of Directors regarding the GAC's advice concerning the applicant's applied for string 深圳 (SHENZHEN).

The applicant was aware of the requirement of a support or non-objection letter for its geographic name gTLD application from the relevant governments or public authorities. As the applicant is a legal entity established and conducting its TLD business in the People's Republic of China, the applicant anticipated that such letter would be issued by the Ministry of Industry and Information Technology (“MIIT”), according to No. 89 Announcement promulgated by the MIIT, before the closing of the new gTLD application window.

However, the applicant subsequently learned that the MIIT letter of support was contingent upon the applicant reaching an agreement with the Shenzhen municipal government in relation to the application.

The applicant then immediately commenced dialogues with the Shenzhen government, during which time, the applicant received the GAC Early Warning regarding the need to obtain a support or non-objection letter from the relevant governments or public authorities.

The applicant is continuing its dialogue with the Shenzhen government. In the last few months the parties have made good process towards reaching an agreement. Once an agreement is reached, the applicant will obtain necessary documentation of support from the MIIT and provide the same to the new gTLD evaluation panel for further consideration of the application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Ferrero Trading Lux SA
Application ID	1-1126-16883
Applied for TLD (string)	KINDER

Response:

Ferrero Trading Lux SA (Ferrero) submits the following response to the ICANN Governmental Advisory Committee’s (GAC) Advice provided in its Beijing Communiqué.

The GAC Communiqué states that for the following categories of strings, enhanced safeguards should apply: Children; Environmental; Health and Fitness; Financial; Gambling; Charity; Education; Intellectual Property; Professional Services; Corporate Identifiers; Generic Geographic Terms; Inherently Governmental Functions.

We note that our interpretation of the rationale of Annex 1 of the GAC Communiqué is to provide “enhanced safeguards” that should be applied to particular strings in certain categories which “are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm”.

Among the non-exhaustive list of strings that said safeguards should apply to, the GAC Communiqué provides the following applied-for gTLDs under the “Children” category: .kid, .kids, .kinder, .game, .games, .juegos, .play, .school, .schule, .toys. Nearly all of the strings listed with respect to “enhanced safeguards” include generic strings with unrestricted registration policies.

We note that the application for .KINDER is for a “closed” or single-entity single-use Registry filed by the company Ferrero Trading Lux SA (Ferrero), and which will not be open to any external registrant. The Ferrero Group was founded in 1946 in Alba, a town in Northwest Italy, and is a leading manufacturer of chocolate and other confectionery products. The trademark Kinder was created and registered worldwide as early as 1968 as a division of the Ferrero Group with the original mission of developing products targeting “mothers” and specifically dedicated to children and is nowadays a brand leader in the Confectionery market, with a presence in more than 100 countries.

We also note that in Ferrero's reply to question 18 of the .KINDER application it was stated that the .KINDER registry will be used for the purpose to "protect the intellectual property that Ferrero has on Kinder", "to provide a platform for the delivery of secure digital material for consumers, key stakeholders, business partners and employees", "to provide a platform able to ensure a strong global and consistent presence for the Kinder brand in the digital world across all the Ferrero Business Units" and "to contribute to the development of best practice for private brand registry operators".

It was also underlined that:

- "the registry will be rigorously controlled by authorised Ferrero personnel but it is predicted that it will also benefit [...] customers: a new .Kinder registry will benefit them because it will be a location for authentic, accessible information about the product within the Ferrero family, a transparent, reliable and trusted source of information about the product and consumer activities (e.g. promotion, communications, digital tool) that the different Kinder sub-brands will put in place";
- Ferrero wants its "customers to know that they are in a trusted and authentic destination once they arrive at the new gTLD. Above all, [Ferrero] want[s] them to be confident that they will receive accurate information and that any sensitive personal details they provide will be protected";
- ".Kinder names may not be delegated or assigned to external organizations, institutions, or individuals";
- "the .Kinder registry will be a standard registry closed to third parties and will be used only by pre validated representatives of Ferrero or selected partners. Social costs and negative consequences on customers are therefore likely to be minimised and possibly even eliminated";
- "one major goal of the .Kinder registry is the protection of consumers from confusion. In a sense, the .Kinder registry is itself a tool to eliminate or minimize that social cost because a .Kinder domain will signpost authenticity. We will control allocation of second level domains very carefully, checking to ensure that requests for domains are authentic and valid";
- "There will be no market in .Kinder domains".

Therefore, in light of our interpretation of the rationale of the Communiqué with reference to the "sensitive" categories identified therein as opposed to the characteristics of the .KINDER application summarized above, we believe that all the perfectly understandable concerns that the GAC raised in points 1-5 of the Category 1 section of Annex 1 are already duly addressed in the application for .KINDER and we thus wonder whether it could have been simply an oversight to have included also this application in such non-exhaustive list as it is the only application within the "Children" category filed by a trademark owner as a closed .Brand application.

We would very much appreciate your kind cooperation in providing us some clarification as to the above and advising us on the best way to address the matter herein in order to overcome this issue and provide the GAC with any further clarifications, declarations and reassurances deemed necessary, which Ferrero is prepared to render.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	CUNA Performance Resources, LLC
Application ID	1-1130-18309
Applied for TLD (string)	.creditunion

Response:

ANNEX I

Safeguards Applicable to all New gTLDs [page 7]

1. WHOIS verification and checks - Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We agree in principle with the importance of conducting verification. However, we are concerned with the frequency of verification. In addition, we are concerned about spam filters, etc., which may make verification difficult.

2. Mitigating abusive activity - Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We agree and support this safeguard. The .creditunion gTLD application includes language consistent with this safeguard.

3. Security checks - While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry

GAC Advice Response Form for Applicants



operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We agree in principle with this safeguard. However, we believe a preferable approach is to conduct such checks passively rather than proactively.

4. Documentation - Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We commit to maintaining and making available to ICANN upon request information collected pursuant to answer 1 and answer 3 above, as collected in the ordinary course of business.

5. Making and Handling Complaints - Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We commit to ensuring such a mechanism is in place and will provide a link to it on our website.

6. Consequences - Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We agree with and support this safeguard. The .creditunion gTLD application includes language consistent with this safeguard.

Category 1 - Consumer Protection, Sensitive Strings, and Regulated Markets [page 8]

1. Registry operators will include in its acceptable use policy that registrants 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.

Response: We agree with this safeguard and will incorporate it into the terms and conditions that registrants are required to click through.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

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Response: We agree with this safeguard and will incorporate it into the registry/registrant agreement.

3. Registry operators will require 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 and recognized industry standards.

Response: We agree with this safeguard and will require in the terms and conditions that registrants are committed to following appropriate measures and applicable law and regulation.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Response: We agree with this safeguard and plan to maintain a Policy Advisory Board that will include representatives from: The World Council of Credit Unions (WOCCU), individual credit unions, state credit union leagues (associations), as well as the National Credit Union Administration (NCUA).

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

Response: We agree in principle with this safeguard. See answer 7 and answer 8 below for additional detail on communication and involvement of relevant regulatory bodies.

Additional Safeguards Applicable to a Limited Subset of Strings [page 10]

6. At the time of registration, the registry operator must verify and validate the registrants' authorizations, charters, licenses and/or other related credentials for participation in that sector.

Response: We agree in principal with this safeguard. To implement this safeguard we will check the charter number for U.S. credit unions, will use all readily available online databases to verify credentials of non-U.S. credit unions, and where online/automated validation is not possible we will utilize electronic versions of paper documents.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

Response: We agree with and support this safeguard.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

GAC Advice Response Form for Applicants



Response: We support in principle this safeguard. In addition, we support the GAC's efforts generally in this area.

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Respondent:

Applicant Name	Hamburg Top-Level-Domain GmbH
Application ID	1-1134-57974
Applied for TLD (string)	HAMBURG

Response:

Hamburg Top-Level-Domain GmbH, the applicant for the .HAMBURG top-level domain, welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

Hamburg Top-Level-Domain GmbH welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** Community-based application for .HAMBURG by Hamburg Top-Level-Domain GmbH ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

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“The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

We serve the Interests of the Community and the Public.

Our application for the string .HAMBURG is a community-based application. The .HAMBURG Community consists of multiple stakeholders from the City of Hamburg. We have been successfully working since 2006 on building a long-lasting relationship to the various stakeholders of the respective community including

1. Governmental organizations and authorities
2. Commercial and non-commercial organisations
3. Citizens

The community members have expressed a collective and clear supporting opinion on our application by supporting documents. We have consulted with all relevant public and private entities that make up the community.

*** General principles of operations for .HAMBURG by Hamburg Top-Level-Domain GmbH ***

Hamburg Top-Level-Domain GmbH would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.”

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

GAC Advice Response Form for Applicants



- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by Hamburg Top-Level-Domain GmbH for .HAMBURG based on General Safeguards ***

Hamburg Top-Level-Domain GmbH will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination.

The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - Hamburg Top-Level-Domain GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Hamburg Top-Level-Domain GmbH will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - Hamburg Top-Level-Domain GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, Hamburg Top-Level-Domain GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Hamburg Top-Level-Domain GmbH identifies security risks that pose an actual risk of harm, Hamburg Top-Level-Domain GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - Hamburg Top-Level-Domain GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Hamburg Top-Level-Domain GmbH

GAC Advice Response Form for Applicants



will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - Hamburg Top-Level-Domain GmbH will ensure that there is a mechanism for making complaints to Hamburg Top-Level-Domain GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, Hamburg Top-Level-Domain GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Hamburg Top-Level-Domain GmbH would like to note that registration policies will be setup according to this request.

However Hamburg Top-Level-Domain GmbH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1138-5993
Applied for TLD (string)	.SHOP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .SHOP application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .SHOP

CRR notes .SHOP is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .SHOP is an open TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our open TLD model means the TLD is open to all ICANN-accredited registrars, and registration of domain names in the TLD will be open to all. Therefore, it is our belief that CRR's application for .SHOP is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .SHOP application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .SHOP applications that are limited to the exclusive use of the applicant. As described above, CRR's .SHOP application does not meet this definition. Therefore, we respectfully request that CRR's application for .SHOP not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1138-33325
Applied for TLD (string)	.APP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .APP application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .APP TLD

CRR initially applied for the .APP TLD in order to provide a dedicated namespace for cloud offerings for its parent company, Google. On March 7, 2013, CRR submitted [Public Comments](#) responding to the Board's request for input on "Closed Generic" applications and announced that we would work to amend our application to allow third parties to register within the TLD as well. On April 6, 2013, CRR sent a [letter](#) to Christine Willett, ICANN's New gTLD Program General Manager, stating our plan to amend our .APP application from an exclusive access model to a restricted access TLD model.

CRR has stated in its new response to question 18(a), Mission/Purpose of the proposed gTLD states:

The mission of the proposed gTLD .app is to provide a dedicated domain space for application developers. The term "app," is associated with a wide variety of applications, including mobile applications, web-and browser-based applications, cloud-hosted applications and even desktop applications. Charleston Road Registry expects to uses if the gTLD will include a wide variety of uses across all of these types of applications, not limited to any specific platform or provider. The proposed gTLD will enhance consumer choice by providing new availability in the second-level domain space in which application developers can deliver new content and offerings. It also creates new layers of organization on the Internet and signals the kind of content available in the domain.

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .APP Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards that should apply to the .APP string under the Intellectual Property Category. It is our belief that the safeguard advice the GAC has requested for this string does not apply to CRR's application for .APP as "app" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "app" is a generic word that is not directly related to a specific type of regulated offering, nor is it generally associated with a specific type of content for which enhanced intellectual property safeguards would be appropriate. Further, CRR has adopted a set of safeguards, including limiting registrations to application developers, that go above and beyond safeguards required by the Applicant

Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Category 2.2 - Exclusive Access Safeguard Advice Does Not Apply to CRR's .APP

CRR notes .APP is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. As noted above, our application for .APP was originally submitted to ICANN as an exclusive access TLD, but we have subsequently submitted a change request to modify the TLD to a restricted access model. Exclusive access model means the TLD is limited to the exclusive use of the applicant, whereas we intend for the TLD to be open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to those who meet registrant restriction guidelines. Therefore, it is our belief that CRR's application for .APP is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .APP should not be included on the GAC's list of applications subject to either Category 1 or Category 2.2 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .APP is targeted at application developers, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property that merits heightened protection. Similarly, .APP will not be operated on an exclusive-use basis so the Category 2.2 advice should not apply. Therefore, we respectfully request that CRR's application for .APP not be subject to any string-specific safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1138-34539
Applied for TLD (string)	.GAME

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .GAME application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property and Children Categories
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .GAME TLD

CRR has stated in its response to question 18(a), Mission/Purpose of the proposed gTLD states:

The proposed gTLD will provide the marketplace with direct association to the term, "game." The mission of this gTLD, .game, is to provide a dedicated domain space in which registrants can enact second level domains that position content relating to uses of the term "game," included but not limited to board games, video games, mobile gaming applications, and sports games. Charleston Road Registry believes that registrants will find value in associating with this gTLD, which could have a vast array of purposes for enterprises, small businesses, groups or individuals seeking to associate with the term "game." Charleston Road Registry expects these uses may include but are not limited to applications such as branded second level domains (miltonbradley.games), direct links to a particular offering (wordswithfriends.game, finalfantasy.game), and sports content (bearsfootball.game).

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .GAME Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards should apply to the .GAME string under the Intellectual Property or the Children Categories. It is our belief the safeguard advice the GAC has requested for this string does not apply to CRR's application for .GAME as "game" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. Further, we are not targeting children with the .GAME TLD. The term "game" is a generic word that is not directly related to any particular type of intellectual property nor is it solely used to relating to children. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will

work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .GAME

CRR notes .GAME is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .GAME is an open TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our open TLD model means the TLD is open to all ICANN-accredited registrars, and registration of domain names in the TLD will be open to all. Therefore, it is our belief that CRR's application for .GAME is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its application for .GAME should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .GAME is intended to pertain to things associated with games, such as board games, video games, mobile gaming applications, and sports games, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property or children specifically. Therefore, we respectfully request that CRR's application for .GAME not be included on the list subject to Category 1 safeguard advice from the GAC. In addition, because our application for .GAME is an open access TLD model and not an exclusive access TLD model it is our belief that CRR's

application for .GAME is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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	Charleston Road Registry
Applicant ID	1-1138-74264
Applied for TLD (string)	.DDS

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .DDS application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Health and Fitness Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .DDS

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .DDS, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .DDS string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .DDS. The following table outlines the GAC's safeguard advice and how our .DDS application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process...".
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	CRR recognizes the importance of treating health data in a manner that is sensitive, provides for confidentiality, and is secure. CRR has committed to operating the registry with significant safeguards to protect registrant data. We comply with applicable privacy laws, and additionally work internally and with regulators and industry partners to develop and implement strong privacy standards for all of our services. Although not directly addressed in our application, will add a provision to the registration agreement requiring registrants with sensitive health data

		to implement appropriate security measures as defined by applicable law and industry standards.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.
5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."

CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .DDS and Category 2.1 Safeguard Advice for .DDS

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .DDS string.

CRR's application for .DDS is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .DDS community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .DDS. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.
- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .DDS application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1138-86970
Applied for TLD (string)	.CPA

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .CPA application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Professional Services
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access
- Section IV, Annex I, Category 2.2 - Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .CPA

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .CPA, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .CPA string under the Professional Services category. It is our belief the safeguard advice the GAC has already addressed in our application for .CPA. The following table outlines the GAC's safeguard advice and how our .CPA application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .CPA application. The .CPA TLD targets accountants and accounting firms. We do not expect registrants of the .CPA TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .CPA and Category 2.1 Safeguard Advice for .CPA

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .CPA string.

CRR's application for .CPA is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .CPA community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .CPA. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .CPA

CRR notes .CPA is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .CPA is a restricted access TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to any registrant who

meets restriction guidelines. Therefore, it is our belief that CRR's application for .CPA is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .CPA application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2.1 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. In addition, because our application for .CPA is a restricted access TLD model and not an exclusive access TLD model it is our belief that CRR's application for .CPA is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1138-87772
Applied for TLD (string)	.FILM

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .FILM application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .FILM

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .FILM, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .FILM string under the Intellectual Property category. It is our belief the safeguard advice the GAC has already addressed in our application for .FILM. The following table outlines the GAC's safeguard advice and how our .FILM application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .FILM application. The .FILM TLD targets content or offerings related to the promotion or screening of films, many of which would presumably register the film name as the second level domain name. We do not expect registrants of the .FILM TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."

CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .FILM and Category 2.1 Safeguard Advice for .FILM

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .FILM string.

CRR's application for .FILM is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .FILM community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in

order to register a second-level domain in .FILM. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.
- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .FILM application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1139-2965
Applied for TLD (string)	.MED

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .MED application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Health and Fitness Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .MED

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .MED, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .MED string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .MED. The following table outlines the GAC's safeguard advice and how our .MED application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	CRR recognizes the importance of treating health data in a manner that is sensitive, provides for confidentiality, and is secure. CRR has committed to operating the registry with significant safeguards to protect registrant data. We comply with applicable privacy laws, and additionally work internally and with regulators and industry partners to develop and implement strong privacy standards for all of our services. Although not directly addressed in our application, will add a provision to the registration agreement requiring registrants with sensitive health data

		to implement appropriate security measures as defined by applicable law and industry standards.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.
5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."

CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .MED and Category 2.1 Safeguard Advice for .MED

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .MED string.

CRR's application for .MED is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .MED community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .MED. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.
- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .MED application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1139-21220
Applied for TLD (string)	.CORP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .CORP application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .CORP

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .CORP, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .CORP string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .CORP. The following table outlines the GAC's safeguard advice and how our .CORP application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .CORP application. The .CORP TLD will be targeted as a substitute gTLD for .COM. We do not expect registrants of the .CORP TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .CORP and Category 2.1 Safeguard Advice for .CORP

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .CORP string.

CRR's application for .CORP is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .CORP community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .CORP. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .CORP application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1140-20623
Applied for TLD (string)	.EARTH

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .EARTH application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Environmental Category

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .EARTH TLD

CRR has stated in its response to question 18(a), Mission/Purpose of the proposed gTLD states:

The proposed gTLD will provide the marketplace with direct association to the term, "earth." The mission of this gTLD, .earth, is to provide a dedicated domain space in which registrants can enact second-level domains that extend the amount of information available on the Internet about Earth, specific locations, the environment and other "green" topics, the ecosystem, and/or the solar system. This mission will enhance consumer choice by providing new availability in the second-level domain space, creating new layers of organization on the Internet, and signaling the kind of content available in the domain. Charleston Road Registry believes that registrants will find value in associating with this gTLD, which could have a vast array of meanings and purposes. Charleston Road Registry expects these uses may include but are not limited to applications such as recycle.earth, ViewFromSpace.earth, or HelpThe.earth.

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .EARTH Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards should apply to the .EARTH string under the Environmental Category. It is our belief the safeguard advice the GAC has requested for this string does not apply to CRR's application for .EARTH as "earth" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "earth" is a generic word that is not directly related to a specific type of environmental safeguards. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that

CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .EARTH should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .EARTH targets information about the Earth, specific locations, the environment and other "green" topics, the ecosystem, and/or the solar system, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property. Therefore, we respectfully request that CRR's application for .EARTH not be included on the list subject to Category 1 safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1140-55599
Applied for TLD (string)	.MOVIE

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .MOVIE application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .MOVIE

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .MOVIE, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .MOVIE string under the Intellectual Property category. It is our belief the safeguard advice the GAC has is already addressed in our application for .MOVIE. The following table outlines the GAC's safeguard advice and how our .MOVIE application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .MOVIE application. The .MOVIE TLD targets the screening of movies, many of which would presumably register the movie name as the second level domain name. We do not expect registrants of the .MOVIE TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .MOVIE and Category 2.1 Safeguard Advice for .MOVIE

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .MOVIE string.

CRR's application for .MOVIE is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .MOVIE community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .MOVIE. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.
- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .MOVIE

CRR notes .MOVIE is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .MOVIE is a restricted access TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to any registrant who meets restriction guidelines. Therefore, it is our belief that CRR's application for .MOVIE is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .MOVIE application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program. In addition, because our application for .MOVIE is a restricted access TLD model and not an exclusive access TLD model it is our belief that CRR's application for .MOVIE is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1141-1851
Applied for TLD (string)	.FREE

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .FREE application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .FREE TLD

CRR has stated in its response to question 18(a), Mission/Purpose of the proposed gTLD states:

The proposed gTLD will provide the marketplace with direct association to the term "free." "Free" has a variety of definitions, and Charleston Road Registry does not intend to restrict the use of the gTLD; however, Charleston Road Registry believes that the use of the term meaning "with no cost" will be the primary source of registrant demand. The mission of this gTLD, .free, is to provide a dedicated domain space in which registrants can enact second level domains that position content or information as or relating to "free." This mission will enhance consumer choice by providing new availability in the second level domain space, creating new layers of organization on the Internet, and signaling the kind of content available in the domain. Charleston Road Registry believes that registrants will find value in associating with this gTLD, which has significant promotional appeal for enterprises, small businesses, groups or individuals seeking to associate with the term "free." Charleston Road Registry expects these uses may include but are not limited to applications such as marketing campaigns (juice.free), promotion of free events (events.free) or free activities in a given location (nyc.free).

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .FREE Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards should apply to the .FREE string under the Intellectual Property Category. It is our belief the safeguard advice the GAC has requested for this string does not apply to CRR's application for .FREE as "free" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "free" is a generic word that is not directly related to any particular type of intellectual property. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will

work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .FREE should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .FREE targets marketing campaigns (juice.free), promotion of free events (events.free), or free activities in a given location (nyc.free), and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property. Therefore, we respectfully request that CRR's application for .FREE not be included on the list subject to Category 1 safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1141-50966
Applied for TLD (string)	.SEARCH

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .SEARCH application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .SEARCH

CRR notes .SEARCH is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .SEARCH was originally submitted to ICANN as an exclusive access TLD. On March 7, 2013 CRR submitted [Public Comments](#) responding to the Board's request for input on "Closed Generic" applications. On page seven of our public comments, we acknowledge the concerns around "closed-generics" and state: "we intend to work with ICANN, the Government Advisory Committee (GAC), and other members of the relevant communities to amend our applications" to address these concerns. Further, on April 6, 2013, CRR sent a [letter](#) to Christine Willett, ICANN's New gTLD Program General Manager, including our change request for .SEARCH, which modifies the application from an exclusive access model to a restricted access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant, whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to those who meet registrant restriction guidelines. Therefore, it is our belief that CRR's application for .SEARCH is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .SEARCH application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .SEARCH applications that are limited to the exclusive use of the applicant. As described above, CRR's .SEARCH application does not meet this definition. Therefore, we respectfully request that CRR's application for .SEARCH not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1141-82929
Applied for TLD (string)	.MAIL

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .MAIL application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .MAIL

CRR notes .MAIL is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .MAIL is a restricted access TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to anyone using the domain for a specific type of service/content. Therefore, it is our belief that CRR's application for .MAIL is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .MAIL application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .MAIL applications that are limited to the exclusive use of the applicant. As described above, CRR's .MAIL application does not meet this definition. Therefore, we respectfully request that CRR's application for .MAIL not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1141-94472
Applied for TLD (string)	.KID

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .KID application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Children Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .KID

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .KID, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .KID string under the Children category. It is our belief the safeguard advice the GAC has is already addressed in our application for .KID. The following table outlines the GAC's safeguard advice and how our .KID application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .KID application. The .KID TLD promotes only verified kid-friendly content. We do not expect registrants of the .KID TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	The .KID TLD is intended to provide child-friendly content. CRR's parent, Google, works closely with a range of government, self-regulatory, and non-governmental child safety experts to help protect younger users and their families as they come online. CRR

		will work with Google and those bodies to establish policies that will provide for a child-friendly environment within the TLD.
5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."

CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .KID and Category 2.1 Safeguard Advice for .KID

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .KID string.

CRR's application for .KID is a "restricted TLD model". The TLD will be restricted to child-friendly content. Specifically:

- *Registration Process:* Registration and content criteria will be designed to protect the .KID community and limit registrations to those providing kid-friendly content.

- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a provider of kid-friendly content in order to register a second-level domain in .KID. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.
- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .KID application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1142-52922
Applied for TLD (string)	.LLP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .LLP application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .LLP

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .LLP, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .LLP string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .LLP. The following table outlines the GAC's safeguard advice and how our .LLP application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .LLP application. The .LLP TLD targets limited liability partnerships. We do not expect registrants of the .LLP TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .LLP and Category 2.1 Safeguard Advice for .LLP

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .LLP string.

CRR's application for .LLP is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .LLP community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .LLP. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .LLP application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Monash University
Application ID	1-1153-75618
Applied for TLD (string)	.monash

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

We are disappointed and concerned that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications represents a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add further delay by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

To avoid delay, we have no option but to agree to the Safeguards in part as further described below. However, we would flag that such agreement and response is made under protest.

Safeguards:

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate for this GAC request to be acceded to while policy work on this very sensitive issue is currently underway and nor for the outcome to be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. This specification requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the wording of the Safeguard is so wide and loose and subjective that it would impose an unduly onerous obligation of uncertain scope and is therefore completely unacceptable.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

GAC Advice Response Form for Applicants



As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of this Safeguard to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, this means that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be the eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that it is paramount in this instance to avoid further delay.

Yours faithfully

Monash University

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Johnson & Johnson Services, Inc.
Application ID	1-1156-50969
Applied for TLD (string)	.BABY

Response:

In response to the Governmental Advisory Committee's (GAC) Beijing Communiqué, dated 11 April 2013, Johnson & Johnson Services, Inc. ("JJSI") would like to affirm to our commitment to operating the .BABY gTLD in a manner that reflects our longstanding history of corporate responsibility.

For over 100 years, Johnson & Johnson has dedicated itself to understanding babies and their needs, in order to provide mothers and fathers with safe products, as well as baby-related health and wellness information. Consumers have come to depend on the products, services, and educational information provided by Johnson & Johnson and, in particular, its baby-care divisions. Johnson & Johnson has significant experience creating rich information and educational content relating to baby health and wellness on well-regarded web sites, such as BabyCenter.com and JohnsonsBaby.com, among others.

The values that guide the Johnson & Johnson business operations and decision-making are outlined in the company's Credo, found at <http://www.jnj.com/connect/about-jnj/jnj-credo>. Simply put, our Credo challenges the company to put the public interest and the well-being of the people we serve first. Johnson & Johnson has a long-standing value-based history, and it is these values that will guide our operation of the .BABY top-level domain, should it be awarded to us.

In line with our Credo values, Johnson & Johnson Services, Inc. plans to operate the .BABY gTLD with the aim of serving as a trusted, hierarchical, and intuitive namespace provided by Johnson & Johnson and its qualified subsidiaries and affiliates. Consumers, healthcare professionals, and retailers will have access to authoritative and verified baby-related health, wellness, and skincare information, educational content and safe products. JJSI will operate .BABY as a closed registry to ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

GAC Advice Response Form for Applicants



- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, Johnson & Johnson aims to create a safe online space for consumers, professionals, parents, and their babies.

The GAC advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal” and we believe that the company’s history and experience, enable and motivate our companies to serve that interest as we have always aimed to do. We hope this addresses any concerns that the Board might have; however, we invite further dialogue with the Board if it has any remaining questions regarding Johnson & Johnson Services, Inc.’s .BABY application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	American Council of Life Insurers
Application ID	1-1160-79590
Applied for TLD (string)	.LIFEINSURANCE

Response:

American Council of Life Insurers (“ACLI”) is a Washington, D.C.-based trade association representing an industry with more than 200 years of experience providing financial security to families, workers, and businesses. With more than 300 legal reserve life insurer and fraternal benefit society member companies operating in the United States, ACLI members represent more than 90% of the assets and premiums of the life insurance and annuity industry. In addition, ACLI member companies offer pensions, 401(k) and other retirement plans, long-term care and disability income insurance, and reinsurance. Our members’ products help protect 75 million American families against economic uncertainty – providing peace of mind, long-term savings, and a guarantee of lifetime income when it is time to retire.

ACLI advocates the shared interests of our member companies and their policyholders before state, federal, and international legislators and regulators. By promoting sound public policy on issues important to the life insurance industry, such as financial services reform, retirement security, and taxes, ACLI aims to protect both our members and their customers. (1)

ACLI would like to affirm to the ICANN Board our commitment to operating the .LIFEINSURANCE gTLD in a manner that reflects our longstanding commitment and history of advocating for families that rely on life insurers’ products for financial and retirement security in federal, state, and international forums for public policy.

In line with the core mission of supporting the industry marketplace and the 75 million American families that rely on life insurers’ products for financial and retirement security, ACLI intends to operate the .LIFEINSURANCE gTLD as a trusted, hierarchical, and intuitive namespace for a self-defined community of organizations. In doing so, ACLI can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,

GAC Advice Response Form for Applicants



- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In addition, ACLI plans to implement a restricted registration model, wherein registration is limited to ACLI members in good standing with policies set forth in our charter. By using a controlled registration policy, ACLI aims to create a safe online space for consumers and insurance providers, free from many of the risks associated with conducting business and research online. The public will benefit from the existence of a safe space to provide and exchange authoritative information regarding life insurance products, and potentially annuities, pensions, 401(k)'s, and other retirement plans, long-term care, disability income insurance, and reinsurance. Additionally, a restricted registration policy will help to ensure that any financial data collected in .LIFEINSURANCE is done in accordance with online privacy and security standards.

The Governmental Advisory Committee's Beijing Communiqué identifies the "Financial" sector, including .LIFEINSURANCE, as a regulated sector to which additional safeguards should apply and advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." We hope this quells any concerns that the Board might have in association with the .LIFEINSURANCE gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding ACLI's .LIFEINSURANCE application.

(1) For instance, ACLI has worked across the United States to enact legislation to deter abusive stranger-originated life insurance (STOLI), and other activities that may expose policyholders to increased risk of fraud. See more information:

<<http://www.acli.com/Issues/Pages/Default.aspx>>

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Total SA
Application ID	1-1162-21667
Applied for TLD (string)	total

Response:

Dear,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

GAC Advice Response Form for Applicants



we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,

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Respondent:

Applicant Name	DotConnectAfrica Trust (DCA Trust)
Applicant ID	1-1165-42560
Applied for TLD (string)	.Africa

Response:

Subject: 1-1165-42560 Response to GAC Advice

General Introduction & Summary

This GAC Advice Response has been prepared in response to the GAC Advice Objection notice conveyed in the ICANN GAC Beijing Communique which contains the following statement:

"i. The GAC Advises the ICANN Board that:

i. The GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following applications:

1. The application for .africa (Application number 1-1165-42560)"¹

Therefore, as the applicant for the .Africa gTLD with Application ID. No. 1-1165-42560, DotConnectAfrica Trust wishes to respond to this specific GAC Objection Advice against its application that has been officially notified to the ICANN Board and widely disseminated to the ICANN Global Community.²

¹ See Section IV ('GAC Advice to the ICANN Board') on page 3 of GAC Beijing Communiqué available at <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>

We begin by expressing our great **disappointment and outrage** with the decision of the ICANN GAC to issue a GAC Objection Advice against our application for the .Africa new gTLD. **We totally disagree with it, and would like to repudiate and reject it in the strongest possible terms.** From the outset, we would like to urge the esteemed Board of Directors of the Internet Corporation for Assigned Names and Numbers not to accept this iniquitous, tendentious and inequitable GAC Objection Advice, and to completely distance themselves from it. We implore the ICANN Board to employ the existing provisions within the new gTLD Guidebook not to accept the GAC Objection Advice under any circumstances. We believe that our application should be allowed to proceed under the general terms of the structured new gTLD program that is being implemented by ICANN, and would strongly insist that the GAC Objection Advice against our application should not be followed by the ICANN Board.

We hereby seek the immediate **protection of the ICANN Board** against an overwhelming **force**, that is **hellbent on frustrating, and prematurely terminating**, our new gTLD aspirations; and hope that the Board of ICANN will be kind and considerate enough to use its discretionary powers to provide the type of unique protection that we are presently requesting.

Part A

Why DCA Trust Disagrees with the GAC Objection Advice

Before going into the specific details of our Reponse, we wish to explain the fundamentals that underpin our profound disagreement with the GAC Objection Advice that has been devised against our .Africa new gTLD application by the ICANN GAC.

We had anticipated that in the absence of any valid objections filed against DCA's application either on the basis of; String Confusion, Legal Rights, Community or Limited Public Interest Objection;³ that a high-handed GAC Policy Advice will be contrived and used autocratically to influence the ICANN Board to act against DCA's application; and by so doing, **turn the battle for .Africa new gTLD in favour of Uniform ZA Central Registry**, the other competing applicant in the same exact matching string contention set for .Africa new gTLD. Against the backdrop that UniForum had openly advocated, as evidenced in written comments conveyed to the Independent Objector of the ICANN new gTLD Program⁴, urging the Independent Objector to file an Objection against DCA's application, and a GAC advice has now been issued against DCA's application, thereby assisting UniForum to achieve their wanton objectives and desires against DCA. What reassurances do we have that UniForum did not have a hand in this GAC Objection Advice against DCA's application?

² See for example <http://newgtlds.icann.org/en/program-status/correspondence>

³ All objections that have been filed with the various international dispute resolution providers may be found at <http://newgtlds.icann.org/en/program-status/odr>

⁴ UniForum's comments to the Independent Objector to the ICANN new gTLD Program may be found at <http://www.independent-objector-newgtlds.org/app/download/8743939/UniForum+SA+Response+to+the+IO.pdf>

If our estimation is indeed correct that a Machiavellian effort has been actually orchestrated against our application, where is the justice in allowing such invidiousness to prevail within an open, transparent and competitive new gTLD program? Thus, we have no need to over-emphasize that such actions that are entirely of a contrived nature should not be allowed by the ICANN Board within the circumscribed civilized space of a globally approved new gTLD program.

Therefore, we expressly disagree with the work of the ICANN GAC in this matter.

Even though a GAC Early Warning was issued, and DCA Trust had submitted a detailed response, we believe that the ICANN GAC did not do its work properly. For example, we had asked for full accountability and disclosures regarding the AUC RFP Process⁵, but this was ignored as if our remonstrations are of no consequence. What is the point in asking us to defend a GAC Early Warning issued by the ICANN GAC, if there is no parallel due process set-up for an Accountability Hearing that would, at a minimum, judiciously investigate the issues that we have raised, and present the results for the interest of the global Internet-using public and global ICANN Community; so as to profoundly demonstrate that there will be no miscarriage of justice under any circumstances over the matter of .Africa?

Within a multi-stakeholder ethos as practiced within the ICANN Community, we strongly believe that it is only fair to demand that our voice should be heard. The ICANN GAC should have tried to address our concerns regarding the specific points of accountability that we demanded in our Response to the GAC Early Warning. **Lip-service cannot be paid to multi-stakeholder Global Internet Governance if the voice of an eligible and victimized new gTLD applicant can be so easily muzzled into insignificance by the collective power of the governments represented at ICANN**, now living up to their mythical billing as 'Leviathan'. Indeed, we feel very disappointed that 'Governments at ICANN' have not listened to us, and have thus wielded their 'mighty powers' rather injudiciously against DCA's application. We are frustrated with the

⁵ Please also see Page 4 of *DotConnectAfrica Trust (DCA Trust) Response to the ICANN GAC Early Warning Advice*. In our official response to the GAC Early Warning Notice we had demanded accountability and full disclosure on:

- i. Which firms and organizations participated in the RFP process
- ii. What they had each proposed
- iii. How they were evaluated
- iv. What merit-based system was employed in the evaluation of the respective proposals
- v. The relative scores obtained by each evaluated participant
- vi. The final rankings and how the decision was arrived at to select UniForum South Africa as 'an African-based registry';
- vii. The final Evaluation Committee minutes that were taken during the meeting to decide on the selection of UniForum
- viii. The names of those who assented to those minutes;
- ix. The decision of the AU Tenders Board to approve the selection of UniForum SA, and the official signatories to that decision
- x. A full public disclosure to the ICANN Board and ICANN GAC in order to further substantiate the GAC Early Warning Advice against DCA Trust's application for the .Africa gTLD name string.

outcome of GAC's deliberations at Beijing; and we have every right to be, since faith must be retained in governments, and government must listen to, and address, the most important concerns of global citizens. Philosophically speaking, **ICANN thrives on consensus, and autocracy as manifested by the present GAC Objection Advice against DCA Trust's application, is a major dialectical contradiction, and should not be countenanced by the ICANN Board.**

We therefore wish to vigorously reinforce our plea to the ICANN Board of Directors to dissociate themselves completely from this GAC Objection Advice and not to accept it.

1. DCA Trust Obtained Early Support from the African Union Commission

We again would like to reassure the entire ICANN Global Community and Governments that are represented at ICANN that DCA Trust has no problems with the African Union Commission. We know about government support which explains why DCA Trust went to the AUC and UNECA as early as 2008 and 2009 to respectfully request for it; and we are proud to say that the endorsements to support our initiative, which were sought on the **basis of direct formal requests presented to the organizations, were freely granted by the respective inter-governmental -cum-diplomatic authorities.**

We therefore reject the insinuation that the .Africa new gTLD application submitted by UniForum ZA Central Registry is somehow more valid than the .Africa application that was submitted by DCA Trust because they managed to contrive questionable AU support; but even so, reneging on the terms of their AU endorsement by submitting a fraudulent⁶ application which did not acknowledge an African Community in it. "Anyone coming to equity must come with clean hands", so says the legal/philosophical maxim on the core principles of Equity; and in this case, we stand by our position that UniForum has not engaged with 'clean hands' over the issue of .Africa.⁷ Accepting a GAC Objection Advice against DCA's application will be against the canons of equity and justice. Why should UniForum's fraudulent application⁸ for .Africa now

⁶ Please see Note 8 below for further explanations

⁷ See for example, the argument formulated by Harvard Law School Professor, Henry E. Smith published in 'Yale Law' that "**equity relies directly on basic morality**" and that equity receives "**much of its substance from everyday moral disapproval of deceptive behavior**" and moreover, a "**wrong doer is not supposed to profit from his own wrong**". See 'An Economic analysis of Law versus Equity', October 22, 2010, available at: http://www.law.yale.edu/documents/pdf/LEO/HSmith_LawVersusEquity7.pdf

⁸ Ibid. Harvard Law School Professor Henry Smith believes fraud "**is a knowing misrepresentation that is intended to induce another to part with an entitlement and that succeeds in doing so**", and that "**legally, fraud is narrowly defined but there is a larger set of misrepresentations that have an effect similar to fraud.**" The key word here is 'misrepresentation' by which, as we have always maintained, UniForum ZA Central Registry misrepresented their application by claiming to have the support of an 'African Community' that it was endorsed to apply on its behalf, but deliberately failing to acknowledge the same community in its application as per its official answers to ICANN Evaluation Criteria questions regarding a Community relationship. The key argument here being that if this deliberate misrepresentation is allowed, then ICANN could be defrauded along with the African Union Commission who had parted with the endorsement, and that only an equitable decision-making by the ICANN Board of Directors would prevent this fraud from being perpetrated. We believe that DCA Trust as an applicant that has not done anything wrong should not be the victim of this fraud that has been committed by the apparent misrepresentation contained in UniForum's application for .Africa.

be the principal beneficiary of an autocratic GAC Objection Advice against DCA's application for .Africa? It is therefore incumbent upon the ICANN Board of Directors not to accept **a dictatorial fiat from the ICANN GAC that is portentously inequitable and iniquitous in all its ramifications.**⁹ In a democratic world order that seeks the balanced input of equity in the settlement of any contentious dispute, such self-serving recourse to autocratic Leviathanism should be seriously discouraged and firmly deplored by all global citizens.

2. *The Need for Accountability*

We have already escalated our matter to the United States Congress, the highest institution of the US Federal Government, and we shall continue to count on the outcome of a prospective Congressional Accountability Hearing to be adjudicated by a Special Independent Counsel acting as new gTLD Program Ombudsman, which we hope will vindicate us and indict UniForum and its principals for fraudulent misrepresentation and deceit. **We need not remind anyone that even ICANN had to seek prior approval and supportive encouragement from Congress in public hearings before proceeding with the actual implementation of the new gTLD Program, so no one should scoff at our intentions of escalating our grievances to Congress as an important arbiter with cross-cutting and over-riding legislative and oversight responsibilities.** The United States Congress as a duly constituted parliamentary body, can always exercise the principle of 'Sovereignty of Parliaments' to inquire about anything; therefore, the power of Congress to act on anything cannot be questioned or circumscribed. Apart from the United States Congress, other parliamentary bodies in governmental jurisdictions elsewhere also have similar wide-ranging powers.¹⁰

As a direct consequence, we do not accept that the prospects for a due process Congressional Investigation should be forestalled by a 'misadvised' GAC Objection Advice. As already pointed out, ICANN, even as it undertakes its Internet Expansion project, is also accountable to the United States Congress as a U.S. Federal Contractor. Again, we would like to emphasize that the transparency and accountability that we have been insisting upon cannot be so easily buried by a contrived autocratic process that is typified by this high-handed GAC Objection Advice.

⁹ Ibid. Again, we cite Professor Henry Smith's arguments which are anchored on the fact that equity is a legal solution to opportunism, and **"equity is a coherent mode of decision making in which features work together to combat opportunistic behavior."**

¹⁰ For example, section 88(lb) and (2b) of the Constitution of the Federal Republic of Nigeria, 1999, as amended, requires the House of Representatives of the Nigerian National Assembly to conduct an investigation into the public affairs of any person, authority, Ministry or government department for the purpose of exposing corruption, inefficiency or waste in the execution or administration of laws. As such, we believe that any parliamentary body, including the U.S. Congress has to be completely mindful of the weighty accusations that DCA Trust has reported officially and why it has called on Congress to appoint an Independent Counsel as a Special new gTLD Ombudsman to investigate and adjudicate on any matters of illegality that have been reported by applicants regarding the new gTLD Program.

3. *A Way Forward*

DCA Trust has previously outlined a Way Forward on .Africa to ICANN, and we need to once again, reinforce the same position as part of our response to the GAC Objection Advice. The processing of applications should continue. The evaluation of our new gTLD application should not be prejudiced in any way. If we pass the Initial Evaluation, we shall present this as ample proof of the viability of our application to enable us go back to the African Union Commission to discuss and negotiate under mutual and cooperative terms. We have always preferred conciliatory gestures and we are amenable to a mutual settlement as encouraged by ICANN in situations of string contention as we now find ourselves. A mutual and equitable settlement of the string contention cannot be achieved if one party wields its governmental power as a sledge hammer that can be used to deal a 'sudden death' knockout punch to kill one application as a way of resolving the string contention over .Africa new gTLD.

Our position is that in the absence of any official Accountability Hearing on the issues that we have raised and reported as our grievances against UniForum ZA Central Registry, the implementation of **any policy action against DCA's application by the ICANN Board would be absolutely unlawful**. At this time, we believe that statesmanship and conscientiousness are required from all public authorities who have a stake in this matter; **in which case, any autocratic, high-handed efforts could cause illegality to be covered up**. Accountability and transparency cannot be simply shoved aside by the hubristic intimidation of DCA Trust with the help of those who oppose it on the ICANN GAC. If there is no accountability, then this issue of government support (or lack of support) for applicants should no longer be considered as relevant to the .Africa new gTLD process, and the **policy decision by the ICANN Board should now be based only on the other evaluated technical, operational and financial criteria**.

4. *GAC Objection Advice against DCA's .Africa Application is Anti-competitive*

Another strong point of disagreement we have with the GAC Objection Advice is with respect to the issue of competition. The GAC Core Principles consider that ICANN's decision making should take into account public policy objectives that promote effective and fair competition.¹¹

However, we see the GAC Policy Advice as a wrong step, and against the explicit commitment to fair competition as enshrined in the Core Principles, against the backdrop that the AU is a sort of 'co-applicant' that has already mainstreamed itself as part of the UniForum ZACR application and applying structure. To simply drive home our analogy: the GAC Objection Advice portends to tie our hands behind our back whilst asking us to participate in a boxing match. Such a pugilistic contest would be very unfair and unbalanced, since it would be rather obvious to all the spectators that the hamstrung boxer has been pre-designed to lose the match. It is even more significant and absurd to observe that the boxer whose hands have been tied, have actually been tied by his opponent in the boxing match!

¹¹ For example, the Core Principles of GAC includes the following important consideration: ***"Effective competition at all appropriate levels of activity and conditions for fair competition, which will bring benefits to all categories of users including, greater choice, lower prices, and better services."*** Please see <https://gacweb.icann.org/display/gacweb/Core+Principles>

We believe that the AU's involvement as endorser and co-applicant has further complicated the entire process and has made the UniForum ZACR application more opaque than ever. **In a situation where the African country governments have not endorsed UniForum but have only supported the position of the African Union on .Africa; it is highly questionable on philosophical grounds, whether the political support that has been indeed granted by African countries to the AU as an inter-governmental body representing African country governments can directly translate into an endorsement for a .Africa new gTLD that has been applied for to ICANN under the auspices of the globally approved new gTLD program.** Moreover, the African country governments have only expressed support for the African Union's Position regarding the official request that was made to ICANN for the reservation of the .Africa gTLD name string and related name strings in other languages. For example, the letters written by the Namibian and Kenyan governments to the African Union tend to confirm this assertion.¹² When these letters are compared with the straight-forward Letter of Endorsement granted by the Kenyan government in support DCA's application¹³, it soon becomes clear on closer examination that a letter that has been written by an African country government in support of the AU's position on .Africa is quite different from a Letter of Endorsement that has been written by an African country government in support of an application for .Africa new gTLD.

We believe that these questions and contradictions must be resolved first of all, before any high-handed GAC Advice Objection against our .Africa application is countenanced by the ICANN Board. It remains quite significant to our argument and response (defense) that so far, no African country government has directly endorsed the application of UniForum ZA Central Registry. **As a matter of fact, we contend that if UniForum has not been endorsed by 'name' by any African country government (and the evidence at our disposal profoundly suggests that this is actually the case), we do not accept that their application should be allowed to continue by the ICANN Board,** whilst ours should be stopped on the basis of a GAC Policy Advice Objection. It is not our fault that the ICANN GAC has not thoroughly considered the issues at stake before issuing their GAC Objection Advice. Even GAC should be accountable for its actions.

Before reaching the conclusion that our application warrants a GAC Objection Advice, the GAC should have actually determined that the competing application submitted by UniForum has the requisite support from African country governments. The ICANN GAC should have not been so quick to reach the premature and inchoate conclusion that African country government support for an AU position on .Africa is equivalent to African country government endorsement for the application that has been submitted by UniForum ZA CR.

¹² For example, see <http://tandaabiashara.com/wp-content/uploads/2013/04/Kenyas-position-on-Dot-Africa-copy.pdf> for Kenya's letter and <http://www.dotconnectafrica.org/icann-related-2/third-party-documents/> for Namibia's letter.

¹³ See for example, <http://www.dotconnectafrica.org/yes-campaign/dca-endorsements/> for a copy of DCA's endorsement letter received from the Government of Kenya.

5. *The ICANN Board should accept the Principle that only ICANN should determine the delegation of .Africa new gTLD*

DCA Trust hereby insists that as far as the new gTLD Program is concerned, it is only ICANN that determines how the new gTLDs should be decided and delegated as per approved new gTLD Program criteria, but the African country governments have simply expressed the position that the AU should actually determine how .Africa should be decided and delegated. **This is *ultra vires*, and it would behoove GAC as part of ICANN not to support an unsustainable position that is actually at variance with the centrality of ICANN's role as the only accepted and approved delegation authority within the new gTLD program.** Moreover, we wish to emphasize that we are not aware that the rules have been changed to allow African country governments to exercise a supernumerary role in determining the delegation outcome of .Africa. We have always placed our faith in the prescriptions of the new gTLD Program guidelines as codified in the Applicant's Guidebook that ICANN determines all new gTLDs, and .Africa is no exception.

Again the dialectical contradiction is rather obvious: we have applied to ICANN, but somehow, African countries believe that ICANN does not have the power within its own new gTLD program to determine the fate of a particular new gTLD, because the power to determine and delegate has been granted to the African Union by the African country governments. Perhaps, we all need to return to the fundamentals of jurisprudence to help us resolve these points of disputation. Until then, we urge the ICANN Board to set aside the GAC Advice Objection. The position of the African country governments, who have granted political authority to the African Union Commission as an Africa-based inter-governmental organization, is as it were, an entirely political matter. **The legitimate use of this power as far as governmental support for new geographical TLDs is concerned is to properly endorse one or more eligible applicants, but not for the named diplomatic authority, in this case, the African Union Commission, to actually make the determination as if ICANN's role is of no consequence regarding the fate of .Africa.** The fact that the African Union Commission used its political influence and diplomatic authority to push through the GAC Objection Advice is limpid proof that the AU remains convinced that it should determine the delegation outcome of .Africa, and not ICANN. An acceptance of the GAC Objection Advice against DCA's application for .Africa by the **ICANN Board would also imply that the ICANN Board also accepts this patent usurpation and reversal of roles.**

6. *The ICANN Board should not implement a GAC Policy Advice that it had somehow initiated*

All of the above would remain extremely pivotal to our case and explains why we shall continue to urge the ICANN Board to allow our application to proceed. **The other leg of our response is anchored on the fact that the ICANN Board should not implement a GAC Policy Advice decision that it has initiated on its own:** that is, to the extent that the origins of AU's coordinated GAC Objection Advice against DCA's .Africa application are directly traceable to the ICANN Board. In a nutshell, the GAC Objection Advice that we are now responding to seems to have emanated from the ICANN Board.

We may recall that about the time of the ICANN-42 International Meeting that took place in Dakar Senegal in October 2011, as part of the African Agenda that was devised and arrived at by the African Ministerial Roundtable and Meeting of Experts, the African Union had submitted a 12-point request to the ICANN Board, of which the most audacious request was asking for the reservation of the .Africa name and its equivalent in other languages and Arabic IDN as a special legislative protection that would enable the delegation of the names to be done by the AU to a 'structure' that the AU will identify and select outside the aegis of the new gTLD Program. It is our understanding that the ICANN Board had faithfully considered these requests made by the AU, and whilst not expressly approving the request for .Africa to be placed on the List of Top-Level Reserved Names, had indeed recommended in its 8th March 2012 letter to the African Union to influence the delegation outcome of .Africa through the employment of both Community Objection and GAC Policy Advice as workable strategies.

We hereby cite the position conveyed in the letter written and signed by Dr. Stephen Crocker, in his capacity as Chairman of the ICANN Board of Directors, acting on behalf of ICANN, to Dr. Elham M. A. Ibrahim, AU Commissioner for Infrastructure & Energy, as the official recommendation of ICANN to the AU Commission.

ICANN's letter to the AU notes inter alia:

"While ICANN is not able to offer the specific relief requested in the Communiqué, the robust protections built into the New gTLD Program afford the African Union (and its individual member states), through the Government Advisory Committee, the opportunity to raise concerns that an applicant is seen as potentially sensitive or problematic, or provide direct advice to the Board. In addition, the African Union (and its individual member states) can avail itself of any of the appropriate objection processes mentioned above in the event an application is received for any string – even those beyond representations of .Africa – that may raise concern".¹⁴

We believe that the AU had accepted the recommendation of **'providing direct advice to the Board'** with full certainty, having been reassured that if it indeed adopted the GAC Policy Advice route as its 'objection method', **that ICANN would accept the outcome**. And so we now have an ethical quagmire even for ICANN: the AU requests for Special Legislative Protection on .Africa as a special treatment for the name string(s) that it is interested in, and ICANN refuses officially, **but instead recommends to the AU to utilize the route of a GAC Policy Advice to achieve its aims of protecting the .Africa name(s) for itself; which the ICANN Board decided to accept/approve, thereby enabling the AU to accomplish the objectives which it had sought in its original request to the ICANN Board**. Why should an eligible applicant such as DCA Trust that has so far, not contravened any new gTLD provisions or broken any national laws be subjected to the uncertainties and risks of participating in a new gTLD Program which could have been obviated **if ICANN had agreed a priori to the AU's original request?** DCA Trust therefore believes that *a fortiori*, the ICANN

¹⁴ See <http://www.icann.org/en/news/correspondence/crocker-to-ibrahim-08mar12-en> for further details.

Board should also reject the GAC Objection Advice for the same reason that it rejected the AU's original request for .Africa to be included in the List of Top-Level Reserved Names.

The ICANN Board's recommendation makes it a **colluding party to any intentions expressed by the AU**; to wit, that the .Africa names should be reserved for it, and **accepting the AU's initiated GAC Objection Advice implies that ICANN has assisted the AU – directly or indirectly - to achieve its objectives**. Therefore, it is our contention that the ICANN Board should avoid this ethical quagmire and **'quicksand of conflict'** by side-stepping the GAC Objection Advice that has been obtained by the African Union Commission against DCA's new gTLD application for .Africa. The ICANN Board should **maintain its impartiality at all times, and not convey advice to the African Union that would enable the AU get rid of its opponents in obvious violation of the rules of fair completion** that is encouraged under the new gTLD program.

In summing up, at the risk of over-emphasizing simply to drive home an important point, we wish to stress once again that it would be ethically problematic for the ICANN Board to accept to implement and enforce a GAC Objection Advice that it had somehow initiated by recommending same earlier to the African Union Commission.

Part B

Supplementary Arguments to Further Buttress Our Response

We have already presented the finer and more solid points that are crucial to our overall response as articulated above in Part A. Nevertheless, we wish to also present some other supplementary arguments that are no less substantial, so as to further consolidate our response.

We have already shown that DCA Trust's application for the .Africa new gTLD did not attract any other formal objection procedures that were filed on the grounds of String Objection, Legal Rights, Community, or Limited Public Interest grounds. We believe that if no grounds were actually found to object to DCA's application on the basis of the four allowable objection criteria, **why should a GAC Objection Advice be considered as any more valid?**

7. *There was no Consensus on GAC advice over DCA's Application*

On our part, instrumental to our response to the GAC Objection Advice is our strong belief and understanding that there was actually no consensus on this issue. First, the entire ICANN GAC body is comprised of over 120 governments. The GAC Communiqué that resulted from the Beijing Meeting clearly indicates that only sixty-one (61) GAC members attended the Beijing meeting. We believe that overall consensus could not have been achieved in a situation **where about 50 per cent of GAC members did not participate in the meetings.**¹⁵

¹⁵ Please refer to the introductory part of the GAC Beijing Communiqué for general information on attendance.

Second, the GAC advice was forcefully pushed through with the assistance of the strident polemics and tactics of intimidation employed by Ms. Alice Munyua, an active supporter and Steering Committee member of the UniForum ZACR application¹⁶; who claimed to represent Kenya on the GAC to enable her push the agenda of obtaining a GAC Objection Advice against DCA's application, whereas in truth, her GAC tenure has already expired since the ICANN Toronto meeting, after which she was replaced by another officially accredited Kenyan government representative. **Against the backdrop that Ms. Alice Munyua was not a member of GAC but is a member of the Steering Committee of the Africa In One Space initiative, and had actually attended the GAC meeting to assist the UniForum ZA Central Registry application, we question the validity of her attendance and maintain that her vigorous participation in the GAC proceedings with the sort of open bias demonstrated against DCA Trust led to the GAC Objection Advice that was accomplished.** On these grounds therefore, we would like to urge the ICANN Board to note this as fraudulent misrepresentation by an individual who was no longer accredited to GAC, but had somehow ingratiated herself with other GAC members even though her tenure has already expired in order to achieve a sinister objective against DCA Trust. We wish to strongly emphasize that Ms. Alice Munyua was acting as an impostor, and was no longer the Kenyan GAC Advisor (or GAC representative of Kenya) by the time of the ICANN Beijing Meeting which took place in April 2013. Her input and participation were mainly designed to ensure that the GAC Objection Advice that was contrived against DCA's application was obtained anyhow, by hook or crook. **We insist that her participation in the GAC deliberations was highly inappropriate, deceitful and irregular, and this somehow affects the legality and validity of the GAC Objection Advice.**

Furthermore, the **GAC Advice Objection was obtained amidst the protestations of the duly accredited Kenyan GAC Representative and GAC Advisor who did not support it;** which again confirms our belief that there was no consensus by the GAC. Those who attended the GAC meeting were hardly given an opportunity to say anything to the contrary. To reinforce for clarity, we wish to re-state the text of the electronic mail messages sent by the officially accredited Kenyan government representative and advisor to ICANN GAC. This is clear evidence that it was not the consensus of the entire GAC that DCA's application for .Africa should not be allowed to proceed.

¹⁶ For example, see <http://www.africanonespace.org/team.php?type=SteerComm> where her photograph is prominently displayed as a member of the .Africa Steering Committee and Registry Project Team working with Africanonespace/UniForum ZA Central Registry who have submitted the other application for .Africa

GAC Advice Response form for Applicants



From: Sammy Buruchara
To: GAC Secretariat
Cc: fadi chehade "Katundu , Michael"
Sent: Tuesday, April 9, 2013 10:31 PM
Subject: Re: Change of Kenya's GAC Advisor

Dear Heather,

As the newly appointed Kenyan Government advisor to the GAC, I wish to inform you that I was not able to attend the Beijing meeting due to an unforeseen personal circumstance.

It has come to my attention that Alice Munyua has introduced herself as the Kenya's gov representative to the GAC.

This is inform you that Kenya does not stand by what Alice states in the GAC since she ceased to be the Kenyan Government advisor for GAC on the day of my appointment.

Further, should the situation arise, Kenya does not wish to have a GAC advise on DotConnect Africa Application for .africa delegation.

Regards
Sammy Buruchara
GAC Advisor

----- Original message ----- Subject:Re: [GAC] dotafrica text proposed for communique From:Sammy Buruchara
To:gac@gac.icann.org Cc:

Kenya objects to the above text on the following reasons:

- that AU has representation in the GAC.
- AU has endorsed a candidate for the .africa delegation. It is therefore an interested party.
- AU can therefore not object to another candidate. It must instead leave the process to the ICANN committee to evaluate based on the guide book.

There is an apparent conflict of interest in this issue and GAC members representing AU governments while they have a right to support a certain candidate, must not under the same AU auspice, be the ones to object to other competing candidates.

Kenya therefore does not accept this dotafrica communique.

Regards
Sammy Buruchara

Kenya GAC Representative

The email messages reproduced above clearly witness that:

- i. The change notified by the accredited Kenyan GAC Advisor indeed confirmed that Ms. Alice Munyua was no longer the Kenyan Representative to GAC.
- ii. Whatever position that Ms. Alice Munyua had communicated to GAC was not confirmed by Mr. Sammy Buruchara as the official position supported by the Kenyan Government.

- iii. Mr. Sammy Buruchara indicated clearly in his email communication that it was not the wish of the Kenyan Government that a GAC Advice should be issued against DCA's application for .Africa
- iv. Mr. Sammy Buruchara had also clearly stated that Kenya did not accept the text of the .Africa Communiqué that was proposed.
- v. The communications were sent to the official electronic mail address of the GAC Secretariat and copied to ICANN officials as well as the Kenyan GAC representative present at the meeting.

It is therefore germane to our response that Kenya as an African country government that has **already endorsed DCA's application for .Africa, did not accept that a GAC Objection Advice should be issued against DCA's application.** The move by Ms. Alice Munyua to wave another letter from Kenya that purportedly supports the AU's position – that is, the usual 'standard issue' from African country governments - was meant to obfuscate the process, and confuse the other GAC members. At best, the outcome of the GAC proceedings at Beijing regarding the GAC Objection Advice that was contrived against DCA's application is fundamentally the result of a meddlesome effort orchestrated by an **unaccredited impostor who had dabbled in the official work of GAC in a most peculiar manner;** and at worst, it was a shameful travesty which lacked any credibility in terms of its irregularity. The remonstrations of duly accredited GAC representatives from Kenya were ignored, so how does that count for GAC Consensus?

Again, we wish to substantiate our response by referring to the official stipulations contained in the GAC Core Principles regarding Consensus.

With respect to how the GAC is expected to conduct its official business, Principle 41, specifies that

“Representatives wishing to develop their position on a particular matter in fuller detail may circulate a written statement for distribution to Members.”¹⁷

We therefore contend that the email messages sent by Mr. Sammy Buruchara to the GAC Secretariat should be seen and interpreted in line with this principle; in which case, Kenya's dissenting view not to support the GAC Advice against DCA's application would have received wide circulation amongst the GAC members, thus pointing to the possibility of an apparent lack of consensus.

Furthermore, with respect to how the GAC arrives at a consensus-based Policy Advice to the ICANN Board, Principle 47 specifies that:

“The GAC works on the basis of seeking consensus among its membership. Consistent with United Nations practice, consensus is understood to mean the practice of adopting decisions by general agreement in the absence of any formal objection.”¹⁸

Based on this enshrinement and the evidence that we have already presented regarding what actually took place, we again submit that Kenya's dissenting view was a 'formal objection', which when interpreted on

¹⁷ See <https://gacweb.icann.org/display/gacweb/Core+Principles>

¹⁸ Ibid.

the basis of Principle 47, clearly indicates that there was no general agreement, thus putting into doubt, the validity of the GAC Objection Advice against DCA's application which was somehow obtained in the absence of consensus.

8. *UniForum ZA CR does not have the support of African Country Governments*

The unwritten and unspoken strictures imposed by statesmanship dictate that the African Union Commission should no longer mainstream itself in the .Africa process. We think that the AUC should have tried to maintain impartiality, and isolate itself from the process and restrict its role to that of an endorser. Instead, the AUC has made .Africa a political issue and sided with UniForum ZA Central Registry, the other competing applicant for the .Africa string. The overt politicization of the issue of governmental support has caused huge problems of transparency and accountability.

A juridical examination will show that UniForum has no government endorsements of its own, so there is a compelling need for existing assumptions to be further re-examined. Revisionism starts by accepting to question what we already know, or what we thought we always knew in order to arrive at new answers. It is only through iconoclastic re-examination of facts or generally held assumptions that we can show that UniForum has no governmental supports, and the general thinking that UniForum has government supports for its .Africa application must be revised.

For the avoidance of doubt, we wish to maintain that an African country government writing a letter in support of the AU's position on .Africa does not directly translate into the same African country government providing an endorsement for UniForum's application for .Africa. **We have not seen where it is stated in the new gTLD Program Guidebook that governmental endorsements are transferrable from a non-applicant, in this case, the AUC that has active political support for a geographic string from African country governments, to an official applicant for the geographic string,** in this case, UniForum ZA Central Registry, who lacks such governmental support in its name. Everything that has been done so far must be subjected to a very critical examination of what actually constitutes legality. In our estimation, it is not legal for the political support received by the AU as an inter-governmental entity from African country governments to be taken on face value by the ICANN Board of Directors as somehow equivalent to a blanket endorsement for UniForum's application under the terms of the new gTLD Program.

9. *GAC Objection Advice contravenes Guidebook provisions regarding new gTLD Program Activity Time-Table*

Again, we maintain that the GAC Objection Advice against DCA Trust's application was most irregular in terms of its timing that flagrantly contravenes published new gTLD Program guidelines as presently codified in the Applicant's Guidebook.

The new gTLD program guideline clearly indicates in Module 3: Objection Procedures, Section 3.1 that:

“For the Board to be able to consider the GAC advice during the evaluation process, the GAC advice would have to be submitted by the close of the Objection Filing Period.”

We believe that a GAC Objection Advice that was achieved and publicly notified via a GAC Communiqué dated 11th April 2013, nearly 1 month after the Objection Filing period closed officially on 13th March 2013, is most irregular and should therefore not be considered by the ICANN Board of Directors. The Guidebook stipulations are quite unambiguous and need no further elaboration in this regard. We therefore implore the ICANN Board of Directors to note that the GAC Advice against DCA’s application has not been submitted by the close of the Objection Filing Period which was encountered on 13th March 2013.

Conclusion

In closing, we wish to reiterate our enduring position that the AU’s involvement has created unnecessary complications in the decision path of .Africa, and the only way to resolve this problem amicably is for the issue of government support to be made irrelevant in the process so that both contending applications for .Africa would be allowed to move forward by the ICANN Board based on the outcome of the Initial Evaluation, and for any contentions regarding the .Africa name string to be resolved based on the enshrinements of the new gTLD Program Guidebook.

Finally, on the basis of our response and the arguments that have been marshaled above in support of our position, we respectfully urge the ICANN Board of Directors not to accept the GAC Objection Advice that was issued against DotConnectAfrica Trust’s application (ID: 1-1165-42560) for the new .Africa gTLD.

Thanking you in anticipation of your kind consideration and diligent action.

Yours sincerely,

For & On Behalf of DotConnectAfrica Trust

A handwritten signature in red ink that reads "Sbekele".

Ms. Sophia Bekele, BS, MBA, CISA, CCS, CGEIT
Applicant for the .Africa new gTLD String Application ID: 1-1165-42560

May 8, 2013

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	FOX Registry, LLC
Application ID	1-1167-1880
Applied for TLD (string)	FOX

Response:

Applicant notes the GAC Advice regarding "Safeguards Applicable to all New gTLDs" and will engage in best efforts to comply with the safeguards set out by the GAC as part of any contractual undertakings between itself as Registry Operator for .FOX and ICANN under the Registry Agreement.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Tucows TLDs Inc.
Application ID	1-1171-56570
Applied for TLD (string)	.MEDIA

Response:

Tucows TLDs Inc. has received and considered the GAC's advice concerning applications for the .MEDIA gTLD, and welcomes the opportunity to respond.

About Tucows TLDs Inc. and .MEDIA

Tucows seeks to provide simple, useful services that help people unlock the power of the Internet. Our mission is to provide a web address and email address for every person and business.

We believe .MEDIA will provide Internet users with an easier means of recognizing web and email addresses featuring content or services related to the wide range of purposes the term 'media' provides. Moreover, .MEDIA will make additional memorable, relevant names available to new registrants. We believe less confusion provides a substantial benefit to the Internet user community, as it will allow them to more easily and more readily understand the purpose or motives of the registrant's website or email, allowing for better, more efficient and more effective use of their time online.

Addressing a perceived higher level of risk associated with consumer harm

We firmly believe that a strong abuse and security policy is key to a safe, successful gTLD. As part of our commitment to mitigate and minimize abusive registrations that have a negative impact on Internet users and rights holders, we made a number of assurances in both our initial application and our Public Interest Commitments, which we submitted for .MEDIA in February 2013. These 11 specific commitments included:

GAC Advice Response Form for Applicants



- Introducing a robust complaints handling process, and a commitment to timely review, resolve and respond to reported cases of abuse;
- Requiring registrars to adopt and enforce our Acceptable Use Policy (AUP) during the sales process, which includes a number of commitments and enforceable processes designed to ensure registered domain names will be used only for legitimate activities;
- Committing to provide an easily accessible flagging process to allow members of the public, law enforcement and other government entities to quickly and easily call attention to possible cases of non-compliance with our AUP.

GAC ADVICE: Safeguards applicable to all new gTLDs

Regarding safeguards the GAC believes should apply to all new gTLDs, we present the following responses:

1. WHOIS verification and checks — Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

With registrar experience managing more than 14 million gTLDs and ccTLDs ingrained in the fabric of our corporate culture, WHOIS accuracy has always been of paramount importance. As a result, we commit to conducting checks twice yearly to identify registrations with false, inaccurate or incomplete data. We further commit to notifying the relevant registrar of any accurate or incomplete records. Moreover, our Compliance Administrator and related team will be responsible for resolving issues in a timely fashion.

2. Mitigating abusive activity — Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our AUP, as described in section 29 of our application, defines a set of unacceptable behaviors by domain name registrants in relation to the use of their domain names. It specifically bans, among other practices, the use of a domain name for abusive or illegal activities, including spamming, phishing, willful distribution of malware, piracy, and the distribution of any other illegal material that violates the legal rights of others, including but not limited to rights of privacy or intellectual property protections.

We have always taken abusive activity extremely seriously within our registrar business, and pledge to continue to do so within our registry business.

3. Security checks — While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify

GAC Advice Response Form for Applicants



the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

As outlined in section 28.2 of our application, we have committed to introducing a significant abuse mitigation and prevention program based on best practice policy recommendations developed by the Council of Country Code Administrators (CoCCA), on lessons learned from previous gTLD launches, on the operating experience of TLDs such as .COM, and on participation in policy working groups and debate at ICANN. The Program is comprised of policies, procedures and resource allocation that aim to prevent and mitigate abusive practices at all levels of registry operations and domain name use.

A total of 25 ccTLDs use the CoCCA policy framework to ensure protection of the registry, and to minimize abusive registrations and other activities that affect the legal rights of others. We have updated the best parts of these policies to the new gTLD environment to protect the specific needs of the registry and the registrants, and the rights and needs of third parties. Wherever applicable, we also follow the recommendations of NIST SP 800-83 Guide to Malware Incident Prevention and Handling.

The prevention aspect of this policy requires us to proactively monitor the .MEDIA zone and assess whether domains are being used to perpetrate security threats (including pharming, phishing, malware and botnets). We reserve the right in our AUP, and will not hesitate to use that right, to shut down or block services, such as email, that are used as vectors by malware producers or other sources of abuse.

4. Documentation — Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

We commit to maintaining reports detailing security threats or inaccurate WHOIS records, and to maintaining these reports for inspection during the agreed contracted period, once further details on said requirements are made available.

5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

As detailed in section 28 of our application, we commit to implementing an abuse and complaint tracking and monitoring system that will be maintained 24 hours a day, seven days a week. All registry staff will be trained in both operating the system and managing/entering complaints. This system will provide a reliable and simple way for the public to inform us if they think there is a problem. Submissions of suspected infringement or abuse are monitored by Registrar Customer Service personnel and escalated according to severity. Upon escalation, we may take immediate action to protect registry system or the public interest or refer the matter to law enforcement if we suspect criminal activity.

6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Our abuse prevention and mitigation program employs a model that includes registry-level suspensions for AUP and other policy violations, and also provides that the use of a domain is subject at all times to the AUP's provisions concerning cybercrime, prohibited content, intellectual property abuses and other issues of importance to the Internet, security, intellectual property, legal and law enforcement communities.

We reserve the right to cancel or suspend any name that in our sole judgment is in violation of the terms of service. With cancelation, to the extent permitted by applicable law, we may publish notice of the cancelation, along with a rationale for the decision.

We believe that this step is important for several reasons: (i) It will help us keep the trust of Internet users, who will see that our actions are not arbitrary; (ii) it will act as a deterrent, as violators' names will be published; and (iii) it will provide valuable additional information to users about which names are considered violations, by providing examples of names that have been canceled because they are offending terms.

In the case of clear-cut violations of the policies, we will take immediate action without refund of the registration fee.

GAC ADVICE: Consumer protection, sensitive strings, and regulated markets

Regarding the safeguards the GAC believes should apply to registries which fall under Category 1 within Annex 1 of its Beijing Communique, we believe the term 'media' and its notion of mass communication make .MEDIA a broad, generic term, and a gTLD which should enjoy the same freedom of similar, highly generic terms. That said, we appreciate the GAC's concern regarding the sensitivity of intellectual property within the new gTLD process, and therefore present the following responses to each of the GAC's five points within Annex 1 of the Beijing Communique.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Our AUP contains provisions enforceable to the extent that is possible under the terms of the registry agreement. As each GAC member country has individual acceptable and differing laws regarding privacy, data collection, consumer protection, fair lending, debt collection, organic farming, disclosure of data, and financial discourses, it is difficult to adhere to each country's specific laws. However, should GAC member countries achieve a suitable global standard for these, we would commit to adopting them.

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We require registrars to adopt and enforce our AUP during the sales process, which includes a number of commitments and enforceable processes designed to ensure that registered domain names will be used only for legitimate activities. A non-exhaustive list is provided above in our response to safeguard #2. Our AUP also explicitly prohibits the distribution of material that violates the legal rights of others, including but not limited to rights of privacy or intellectual property protections.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

We will require registrars to include the notification in their condition of registration to the registrant. Moreover, registrars will be periodically audited to ensure they are able to demonstrate compliance with this requirement.

As a company with extensive experience operating a reseller channel, we are well-versed in auditing companies to ensure contractual compliance, and always take the initiative to ensure both ourselves and our partners are following best practices regarding AUPs and contracts.

3. Registry operators will require 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 and recognized industry standards.

We believe the protection of personal data and privacy is paramount, and expectations regarding the importance of this are set forth within our policies and processes. We therefore commit to establishing expectations regarding a registrant's treatment of sensitive data within our own registration agreement, to the extent that is possible as a Canadian company subject to Canada's privacy regulations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

As there are no global regulatory or self-regulatory bodies for the media industry, and given the wide-reaching, global nature of the .MEDIA extension, we do not believe there is a single, authoritative regulatory body in which to establish a working relationship. That said, should such an organization emerge in the future, or should ICANN mandate working with a particular organization, we would commit to doing so.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

At a high level, we support the notion of contacting registrants directly in the event of complaints reports or reports of registration abuse.

It should be noted that inserting the registry in the registrant-registrar relationship is a paradigm registrants, registrars and resellers are largely unfamiliar with in the gTLD space.

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Should this requirement be implemented, it would be ideal to enforce it through the use of an existing contact, which is already required to be valid and up-to-date at all times, and enforced through the AUP, as opposed to introducing a new contact specifically for reaching out to registrants.

Should a single, authoritative regulatory or industry self-regulatory body be established, we also commit to publishing contact details of those relevant organizations. However, given the regional nature of regulatory and self-regulatory agencies and the global nature of .MEDIA, we do not feel there is an appropriate body at this time.

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Respondents:

Applicant Name	dot Diet Limited
Application ID	1-1225-36982
Applied for TLD (string)	.DIET

Applicant Name	Platinum Registry Limited
Application ID	1-1229-33615
Applied for TLD (string)	.FIT

Applicant Name	dot Health Limited
Application ID	1-1178-3236
Applied for TLD (string)	.HEALTH

Applicant Name	dot Loan Limited
Application ID	1-1222-21097
Applied for TLD (string)	.LOAN

Applicant Name	dot Money Limited
Application ID	1-1179-41884
Applied for TLD (string)	.MONEY

Applicant Name	dot Bet Limited
Application ID	1-1201-33931
Applied for TLD (string)	.BET

Applicant Name	dot Bingo Limited
Application ID	1-1207-57645
Applied for TLD (string)	.BINGO

Applicant Name	dot Poker Limited
Application ID	1-1202-1720
Applied for TLD (string)	.POKER

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Applicant Name	dot Casino Limited
Application ID	1-1203-44541
Applied for TLD (string)	.CASINO

Applicant Name	Spring Registry Limited
Application ID	1-1241-87032
Applied for TLD (string)	.CHARITY

Applicant Name	dot Game Limited
Application ID	1-1177-24251
Applied for TLD (string)	.GAME

Applicant Name	dot Movie Limited
Application ID	1-1180-29599
Applied for TLD (string)	.MOVIE

Applicant Name	dot Music Limited
Application ID	1-1175-68062
Applied for TLD (string)	.MUSIC

Applicant Name	Diamond Registry Limited
Application ID	1-1224-46400
Applied for TLD (string)	.FASHION

Applicant Name	dot Support Limited
Application ID	1-1210-70457
Applied for TLD (string)	.DOWNLOAD

Applicant Name	dot Sale Limited
Application ID	1-1235-38087
Applied for TLD (string)	.SALE

Applicant Name	dot News Limited
Application ID	1-1172-3099
Applied for TLD (string)	.NEWS

Applicant Name	dot Accountant Limited
Application ID	1-1240-93305
Applied for TLD (string)	.ACCOUNTANT

Applicant Name	Silver Registry Limited
Application ID	1-1183-17612
Applied for TLD (string)	.LAW

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Applicant Name	dot Wine Limited
Application ID	1-1223-37711
Applied for TLD (string)	.WINE

Applicant Name	dot App Limited
Application ID	1-1182-25681
Applied for TLD (string)	.APP

Applicant Name	Star Registry Limited
Application ID	1-1231-63687
Applied for TLD (string)	.PLAY

Applicant Name	Bronze Registry Limited
Application ID	1-1217-96477
Applied for TLD (string)	.BOOK

Response:

Famous Four Media Limited, which represents the applicants for the above applied for strings appreciates the opportunity to respond to the GAC advice offered on new gTLDs as communicated through the GAC Communiqué Delivered on 11 April 2013. The GAC advice offered is broad and unprecedented. In some cases, many of the items touch on policies that we had already planned on incorporating into our applications.

One area where we remain concerned is the broad brush used by the GAC in placing strings into categories without having considered individual applicant's plans for operating these strings.

We agree that certain strings warrant closer examination because of the nature of the domains that will be registered in the relevant gTLD. The operator of the registry needs to be held to the highest standard and should be beyond reproach in how they have or will operate a business.

That is why we have designed and will implement a robust set of policies and procedures to ensure that registrants and end users experience a world class TLD with enhanced safeguards worthy of the endeavors of the registry. Unfortunately, we don't know if the GAC members who raised concerns with these strings examined specific applications to see how they intend to operate.

We have invested significant time and resources developing our application to operate the relevant gTLD and are focused on a safe and secure operation of the TLD once awarded. In particular, we have put a tremendous amount of time into developing

additional rights protection mechanisms as well as establishing policies and procedures for preventing and mitigating malicious activity.

We also believe that by limiting the Board consideration of the GAC advice to only the New gTLD Program Committee, the Board is depriving itself of key resources who could contribute to a meaningful discussion about what are considered issues of public policy versus what might be coined “operational advice.” Having Board Members with operational experience could beneficially inform other Board Members about what the practical limitations of some of the advice might be.

In this response, we reference our responses to the relevant paragraphs of the GAC advice. Where we make no comment, either we believe that the relevant aspect of the GAC advice is not relevant to our applied for string, or there is no comment to make.

c. Strings for Further GAC Consideration

In addition to this safeguard advice, that GAC has identified certain gTLD strings where further GAC consideration may be warranted, including at the GAC meetings to be held in Durban

*i. Consequently, **the GAC advises the ICANN Board to: not proceed beyond Initial Evaluation with the following strings : .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin***

OUR RESPONSE

The applicant has already sent a separate response pertaining to our application for .date to the Board for consideration. As it relates to our application for .wine, we would make the following comments:

- We did not receive any Early Warnings related to the application for .wine (1-1223-37711) so we were quite surprised and taken back that the GAC has asked for ours and other applications for .wine being held back. Since the publication of the GAC advice on April 11, we have not received any formal correspondence from ICANN or the GAC as to why the GAC has asked for a hold on this application. This raises a very important concern that we hope the ICANN Board shares.
- The ICANN Board should be concerned with issues of fundamental fairness and transparency in the GAC Early Warning and Objection Process.

- As an applicant in the new gTLD program, we have subjected ourselves to following the rules and procedures that govern the program, including the GAC Early Warning and Advice procedures. It is impossible for an applicant to effectively discuss the potential issues with the .wine application with the GAC or individual members of the GAC if they themselves do not engage in good faith notice and discussions with applicants. We think the lack of rationale provided for this portion of the advice is fundamentally unfair.
- Applied for applications were revealed on June 13, 2012. The GAC issued Early Warning in November. During those 5 months of deliberations, not one country stepped forward and raised an issue with our application for .wine.
- Since November, another 5 months passed with no indications from the GAC or individual countries that there were concerns with our application for .wine. On April 11 2013, we like everyone else, received the Communiqué asking for additional delays to our application.
- This case of Advice is unfortunate because it came without warning or explanation. That is not what the ICANN Board envisioned and certainly not what applicants expected after paying fees and submitting applications. It is also contrary to the express wording of the Applicant Guidebook at paragraph 3.1 which provides *“The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).”*

Ultimately our hope is through the ICANN Board consultation with the GAC, the GAC would communicate its rationale for delaying our application so that we may be presented with the opportunity to allay any concerns. Absent that, we ask the ICANN Board to exercise its authority as outlined in the ICANN Bylaws and Applicant Guidebook and not delay the processing of our application for .wine by rejecting the GAC advice on this application.

e. Community Support for Applications
The GAC advises the Board:

i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

OUR RESPONSE

We do not fully understand this advice. If the GAC is asking the ICANN Board to pick one applicant over another because of community support outside of the Community Priority Criteria or Community Objection process, we believe that this is not in accordance with the new gTLD process or within the powers of the ICANN Board. Our understanding of the program is that applicants are being evaluated on 3 important components 1) Background Checks, 2) Technical Capability and 3) Financial Wherewithal. If an applicant passes those criteria and is not subject to any objections or contentions, they would be awarded the string.

Unlike some previous rounds, this application round is not a “beauty contest” where applications are judged against each other.

If a community had issues with a particular application, there were several opportunities available to them through the new gTLD program. 1) They could have filed their own application as a standard application or they could have applied as a community priority application and upon successfully fulfilling the ICANN designated criteria for a community, been awarded the TLD. 2) They could have filed a formal objection against an application. 3) They could have petitioned the Independent Objector to file a formal objection, or 4) They could have petitioned the ALAC to file a formal objection. There were plenty of opportunities for communities to apply for their own strings or alternatively, weigh in and oppose competing applications, but in many cases, the communities did not.

We urge the ICANN Board to keep in mind one key facet of the program: in a contention set, an applicant who achieves the community priority designation automatically is awarded the string. In all other cases, absent mutual agreement, contentions must be resolved by the last resort auction.

f. Singular and plural versions of the same string as a TLD

The GAC believes that singular and plural versions of the string as a TLD could lead to potential consumer confusion.

*Therefore **the GAC advises the ICANN Board to:***

- i. Reconsider its decision to allow singular and plural versions of the same strings.*

OUR RESPONSE

We agree with ICANN CEO Fadi Chehadé and the ICANN Board’s collective responses to these questions in Beijing, that the independent panels have ruled and it would not be appropriate for either ICANN or the Board to overturn these decisions.

g. Protections for Intergovernmental Organisations

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority.

This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation.

The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward.

*Pending the resolution of these implementation issues, the **GAC reiterates its advice to the ICANN Board that:***

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.*

OUR RESPONSE

We consider the Protection of Intergovernmental Organization (“IGO”) names to be very important. As part of our applications, we committed to implementing a program to protect IGO’s, well before any ICANN Board or GNSO action on this issue.

As the GNSO is currently devising a policy related to this issue, the applicant will implement any GNSO recommendations made in this very important area. Absent the timely conclusion of the GNSO work, each Applicant will use strings registered as second level domains in the .int gTLD as the basis for this protection. To register in the .int domain, the Registrants must be an IGO that meets the requirements found in RFC 1591. The .int domain is used for registering organizations established by international treaties between or among national governments and which are widely considered to have independent international legal personality. Thus, the names of these organizations, as with geographic names, can lend an official imprimatur, and if misused, be a source of public confusion or deception.

In addition to the mandated and additional reservation of geographic names as provided for in response to Question 22, each Applicant will reserve, and thereby prevent registration of, all names that are registered as second level domains in the most recent .int zone as of 1st November 2012. By doing so, the relevant Applicant will extend additional protection to IGOs that comply with the current eligibility requirements for the .int gTLD as defined at <http://www.iana.org/domains/int/policy/>, and that have obtained a second-level registration in the .int zone.

As regards acronyms, we have already agreed with the Chair of the GAC representative, in a letter of 29 January 2013, stating that:

“we also understand that the GAC is working towards generating a refined list of IGOs that is likely to be different from the composition of the .Int zone file. We understand this list shall be comprised of the acronyms of IGOs established under an international treaty between or among national governments. We are pleased to inform you that FFM would be pleased to commit to the protection of such a list in the manner detailed above or to work with the GAC in a manner

that best ensures protection and release of IGO names on said list. Moreover, FFM would be pleased to make itself available to the GAC to discuss procedures for the protection and release of IGO names at the GAC's convenience."

We have not yet had sight of the list.

3. WHOIS

The GAC urges the ICANN Board to:

- a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group.*

The GAC stands ready to respond to any questions with regard to the GAC Principles.

The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

OUR RESPONSE

The applicant understands that the results of the Expert Working Group will be subject to the GNSO policy making process. As such, each Applicant will abide by and decisions that come from that process.

5. Public Interest Commitments Specifications

The GAC requests:

- b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.*

OUR RESPONSE

At the time of the drafting of this response, the PIC Specification and accompanying PICDRP is still in draft form. We are eager to hear the Board's answers to these very important questions.

ANNEX I

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means

any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars

should:

- *be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.*
- *respect all substantive and procedural laws under the applicable jurisdictions.*
- *be operated in an open manner consistent with general principles of openness and non-discrimination.*

Safeguards Applicable to all New gTLDs

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. **WHOIS verification and checks** —
Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

OUR RESPONSE

As a general principle, the applicant supports the goals of accurate Whois. As a responsible registry operator we take our obligations seriously but it is important to remember that the registry does not have a direct contractual relationship with the registrant, only the registrar does so many of the Whois requirements will fall to registrars.

To demonstrate our commitment to accurate Whois, we have incorporated several safeguards into our applications including:

- Each applicant will, of its own volition and no less than twice per year, perform a manual review of a random sampling of gTLD domain names in its Registry to test the accuracy of the WHOIS information. This can easily be weighted towards Registrars with the previously highest percentages of deliberately false, inaccurate or incomplete WHOIS data in previous checks. Although this will not include verifying the actual information in the WHOIS record, we will be examining the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their Registrants. Thirty days (30) after forwarding the complaint to the Registrar, we will

reexamine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or some other action was taken. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, we reserve the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

- We will require in the Registry-Registrar Agreement that all accredited Registrars in this gTLD will be obliged to verify WHOIS data for each record they have registered in the gTLD twice a year. Verification can take place via email, phone or any other method to confirm the accuracy of the WHOIS data associated with the domain name. We will randomly audit WHOIS records to ensure compliance and accuracy. As part of the gTLD Abuse reporting system, users can report missing or incomplete WHOIS data via the Registry website.
- We will require as part of the RRA obligations that all accredited Registrars for the gTLD participate in the abuse prevention and mitigation procedures and policies, as well as efforts to improve the accuracy and completeness of WHOIS data. In addition, we will work to develop an economic incentive program, such as Market Development Funds for Registrars who meet certain SLAs for performance in this area.
- The Registry Backend Services Provider regularly reminds Registrars of their obligation to comply with ICANN's WHOIS Data Reminder Policy, which was adopted by ICANN as a consensus policy on 27 March 2003 (<http://www.icann.org/en/Registrars/wdrp.htm>). The Registry Backend Services Provider sends a notice to all Registrars once a year reminding them of their obligation to be diligent in validating the WHOIS information provided during the registration process, to investigate claims of fraudulent WHOIS information, and to cancel domain name registrations for which WHOIS information is determined to be invalid.

2. **Mitigating** **abusive** **activity—**
Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

OUR RESPONSE

We support these requirements and each applicant will include these in its terms of use. In practical terms, each applicant has already included them in its response to Question 28.14 which means that such activities will be monitored in practice.

*3. **Security checks**— While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.*

OUR RESPONSE

This applicant is planning on deploying a type of malware scanning that would accomplish this but we also understand that this is not a required element of the registry operations outlined by ICANN. We would be voluntarily deploying this technology.

*4. **Documentation**— Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.*

OUR RESPONSE

Statistical reports can be maintained in respect of the periodic checks we undertake. We are concerned that any requirement to provide such data should not be specific to individual registrants which could be in breach of the applicants' data protection obligations.

*5. **Making and Handling Complaints** – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.*

OUR RESPONSE

We see no issue with this recommendation. As required by the Registry Agreement, each Applicant will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive matters requiring expedited attention. The relevant Applicant will provide a timely response to abuse complaints concerning all names registered in the gTLD by registrars and their resellers. The relevant Applicant will also provide such information to ICANN prior to the delegation of any domain names in the gTLD. This information shall consist of, at a minimum, a valid name, e-mail address dedicated solely to the handling of malicious conduct complaints and a telephone number and mailing

address for the primary contact. The relevant Applicant will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited Registrars, the Applicant's Registry Backend Services Provider shall have an additional point of contact, as it does today, handling requests by Registrars related to abusive domain name practices. Many of the strings in our portfolio include a requirement for websites to include a seal (the Abuse Prevention and Mitigation Seal), which will allow internet users to redirect to the abuse page for the registry which will contain all the relevant information for reporting abuse.

6. **Consequences –**
Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

OUR RESPONSE

This entire paragraph is vague and unclear. The GAC should be required to more fully explain what the problem is they are trying to solve and the rationale behind this recommendation.

Categories

The following safeguards are intended to apply to particular categories of new gTLDs as detailed below.

Category 1

Consumer Protection, Sensitive Strings, and Regulated Markets:

The GAC Advises the ICANN Board:

• Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

1.
Registry operators will include in its acceptable use policy that registrants 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 operators will require registrars at the time of registration to notify registrants of this requirement.
3.
Registry operators will require 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 and

recognized industry standards.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

OUR RESPONSE

On recommendation number 5, the first part of the sentence, up to “abuse” is presumably a function of the WHOIS but when read in combination with the second part of the sentence, it is unclear what the GAC is asking for. The ICANN Board should ask for more explanation and rationale from the GAC on this point.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

OUR RESPONSE

We are extremely concerned with the recommendations in this section and ask the ICANN Board to reject them. These recommendations go well beyond our interpretation of the GAC advice as defined in the Guidebook as “the process for GAC Advice for 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 Advice Response Form for Applicants



As for implementation of these recommendations, there are a few operational issues which make this advice impractical.

1) Registrars, not registries have direct interface with registrants. A registry operator has no knowledge of who the registrant is until after the registration has been confirmed. It would be impossible in the 3 tiered domain registration systems for a registry to perform these checks without significantly upending the registry/registrar model.

2) These recommendations are seeking to turn registries into a police force for various licensing agencies across the globe. Yet no such requirements exist in the offline world. For example, real estate agents are not required to check the purported credentials of incoming tenants, printing companies or the operators of printed matter which carry advertisements are not required to check the credentials of those persons or entities for whom they publish adverts. There would seem to be little or no distinction between these examples and the online marketplace.

Conclusion

We appreciate the opportunity to share our thoughts on the GAC advice. As an applicant for several strings, we have no issue with some of the recommendations and firmly believe that reputable registry operators should not be protesting these themselves. That being said, there are some recommendations that go clearly beyond the scope of what GAC advice was meant to cover and we ask the ICANN board take the necessary measures to reject that advice. In addition, we hope the ICANN Board will ask the GAC for more transparency and disclosure on advice where applicants have been caught up in a process delay without any explanation.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Northwestern Mutual
Application ID	1-1187-18162
Applied for TLD (string)	.MUTUAL

Response:

Northwestern Mutual would like to affirm to the ICANN Board our commitment to operating the .MUTUAL gTLD in a manner that reflects our longstanding history of corporate responsibility.

Northwestern Mutual is a mutual company serving the insurance and investment needs of more than three million clients, offering a variety of financial services throughout the United States.

In line with our overarching mission, Northwestern Mutual plans to operate the .MUTUAL gTLD with the aim of providing insurance and investment advice to its customers. Northwestern Mutual will operate .MUTUAL as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

The operation of a closed registry allows Northwestern Mutual to assure our consumers that any financial data collected within .MUTUAL will be collected using appropriate security controls and with adherence to online privacy standards. In doing so, Northwestern Mutual aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

Finally, given Northwestern Mutual’s longstanding commitment to consumer protection and corporate responsibility, we have fostered relationships with regulators within the financial industry. Northwestern Mutual will continue to engage these entities in conjunction with the operation of the .MUTUAL gTLD.

GAC Advice Response Form for Applicants



The Governmental Advisory Committee's Beijing Communiqué recommends a number of Safeguards for strings within identified regulated or professional sectors, and puts forward a non-exhaustive list of relevant strings. While Northwestern Mutual's .MUTUAL application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .MUTUAL gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding Northwestern Mutual's .MUTUAL application.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Safeway Inc.
Application ID	1-1189-31055
Applied for TLD (string)	.GROCERY

Response:

Safeway Inc. (“Safeway”) would like to affirm to the ICANN Board our commitment to operating the .GROCERY gTLD in a manner that reflects our longstanding history of corporate responsibility.

Safeway Inc. (“Safeway”) is one of the largest food and drug retailers in North America. As of December 31, 2011, the company operated 1,678 stores in the United States and in western Canada. In support of its stores, Safeway has an extensive network of distribution, manufacturing, and food processing facilities. Safeway owns and operates GroceryWorks.com, LLC, an Internet grocer doing business under the names Safeway.com and Vons.com. Through its subsidiary, Blackhawk Network Holdings, Inc., Safeway provides third-party gift cards, prepaid cards, telecom cards, and sports and entertainment cards to retailers in North America, Europe, Australia, and Japan. Safeway also holds a 49% interest in Casa Ley, S.A. de C.V., a food and general merchandise retailer with 185 stores in western Mexico.

In line with our overarching mission, Safeway plans to operate the .GROCERY gTLD with the aim of serving as a trusted, hierarchical, and intuitive namespace provided by Safeway and its qualified subsidiaries and affiliates for consumers. Safeway will operate .GROCERY as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

GAC Advice Response Form for Applicants



- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, Safeway aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .GROCERY as a generic string seeking exclusive registry access.

We hope this quells any concerns that the Board might have associated with the .GROCERY gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Safeway's .GROCERY application.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Allstate Fire and Casualty Insurance Company
Application ID	1-1191-70059
Applied for TLD (string)	.carinsurance

Response:

Allstate Fire and Casualty Insurance Company ("AFCIC") appreciates the opportunity to respond to the ICANN Board (the "Board") with regard to the GAC Communiqué issued by the GAC on April 11, 2013 and published by ICANN on April 18, 2013 ("GAC Communiqué"). While AFCIC respects the recommendations offered by the GAC Communiqué, AFCIC believes that the Board should not consider the recommendations in Section IV(b) and Annex 1 of the GAC Communiqué as part of the gTLD evaluation process for the application for .CARINSURANCE because (1) the recommendations are untimely under the clear language of the Applicant Guidebook ("AGB"); (2) they are broad policy recommendations not recognized by the AGB as GAC advice related to new gTLD applications that can be considered by the Board; and (3) the Board's adoption of these recommendations at the end of the application process would essentially rewrite the AGB and impose significant unexpected additional costs and obligations on many applicants who relied on the existing contractual framework. However, should the Board adopt these recommendations, AFCIC's intended operation of the .CARINSURANCE TLD, as specified in its application, comports with them.

I. THE BOARD SHOULD NOT CONSIDER THE GAC COMMUNIQUÉ DURING THE EVALUATION PROCESS

A. THE GAC COMMUNIQUÉ WAS NOT SUBMITTED IN TIME TO BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

The AGB provides: "The GAC may provide public policy advice directly to the ICANN Board on any application." Section 1.1.2.7. However, the AGB makes clear that "to be considered by the Board during the evaluation process, the GAC Advice on New gTLDs must be submitted by the close of the objection filing period." This submission deadline is of such importance that it is stated not once, but twice in the AGB – in Sections 1.1.2.7 AND 3.1. The language of Sections

GAC Advice Response Form for Applicants



1.1.2.7 and 3.1 is clear and unambiguous. It is a condition precedent that for any GAC Advice to be considered during the evaluation process, it must be submitted prior to the close of the Objection Filing Period. If this condition precedent is not met, the Board should not consider the GAC Communiqué as GAC Advice in the evaluation process.

The GAC Communiqué was not submitted prior to the deadline for consideration by the Board. The Objection Filing Period closed on March 13, 2013 at 23:59:59 UTC (see <http://www.icann.org/en/news/announcements/announcement-2-28feb13-en.htm>). The GAC Communiqué is dated April 11, 2013, which is 28 days after the close of the Objection Filing Period. Accordingly, since the GAC Communiqué did not meet the condition precedent, it is not GAC Advice and the Board should not consider it during the application process. Just as ICANN would not accept a gTLD application 28 days after the application deadline, or an objection 28 days after the deadline, or a response to Clarifying Questions 28 days after the deadline, neither should it consider the GAC Communiqué submitted 28 days after the deadline.

While the GAC has an important role in this process, the issues raised in the GAC Communiqué could have been raised earlier in the process including during the development of the AGB. Therefore, the GAC is not being denied its opportunity to timely raise these issues. Conversely, if the Board were to consider the Communiqué submitted well after the deadline, such a decision would adversely impact the gTLD application process. ICANN is obligated by its Articles of Incorporation to “operate for the benefit of the Internet community as a whole.” Section 4. Consideration of the late GAC Communiqué as GAC Advice in the evaluation process, in clear contradiction of the unambiguous requirements of the AGB, would introduce even more unpredictability into the new gTLD application process and significantly damage what remains of the public’s confidence in the integrity of the new gTLD application process.

Accordingly, while the Board may forward the GAC Communiqué to the GNSO for consideration in the development and implementation of the next round of gTLD applications, the Board should not consider the GAC Communiqué in the evaluation process for THIS round of applications as this round nears its end.

B. EVEN IF THE GAC COMMUNIQUÉ WAS TIMELY, THE PORTIONS OF IT RELEVANT TO THE APPLICATION ARE NOT IN A FORM WHICH MAY BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

Section 3.1 of the AGB specifies the three (3) possible forms for GAC Advice that may be considered by the Board. Specifically, it states:

“GAC Advice may take one of the following forms:

I. The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved. (“Type I Advice”)

II. The GAC advises ICANN that there are concerns about a particular application “dot-example.” The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision. (“Type II Advice”)

III. The GAC advises ICANN that an application should not proceed unless remediated. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook (such as securing the approval of one or more governments), that is implemented by the applicant.” (“Type III Advice”)

Only Section IV(b) and Annex 1 of the GAC Communiqué are potentially relevant to the .CARINSURANCE (the “Potentially Relevant Commentary”). Nothing in the Potentially Relevant Commentary advises ICANN that it is the consensus of the GAC that any particular application should not proceed. Accordingly, the Potentially Relevant Commentary does not constitute Type I Advice. Similarly, the Potentially Relevant Commentary does not advise ICANN that there are concerns about a particular application, and thus it does not constitute Type II Advice. Finally, nothing in the Potentially Relevant Commentary advises ICANN that any application should not proceed unless remediated. Accordingly, the Potentially Relevant Commentary does not constitute Type III Advice.

To function within the evaluation process, the GAC advice requirements were structured to require GAC advice to express concerns about particular applications with those concerns raised on a case by case basis, taking into consideration the specifics of each string, application, and applicant. Instead, in the first part of the Potentially Relevant Commentary, the GAC advises the Board of six safeguards that it now believes at this late stage should be used to amend the AGB and apply to all new gTLDs (“General Safeguards”): (1) Whois verification and checks to identify registrations with deliberately false, inaccurate, or incomplete WHOIS information and notifying the relevant registrar of the inaccuracy; (2) Mitigating abusive activity by ensuring that terms of use prohibit illegal and illicit conduct; (3) Security checks to assess whether domains are being used to perpetrate security threats; (4) Documentation of inaccurate WHOIS records and security threats and the actions taken to respond to such checks; (5) ensuring that there is a mechanism in place for making complaints to the registry operator regarding inaccurate WHOIS or security threats in the TLD; and (6) ensuring that there are consequences for false WHOIS information and use of a domain name in violation of law. This is clearly general policy advice and not advice about a particular application.

The GAC Communiqué then goes on to list additional safeguards that should apply to what it identifies as two categories of gTLDs: Category 1, Consumer Protection, Sensitive Strings, and Regulated Markets; and Category 2, Restricted Registration Policies. For Category 1 gTLDs, the GAC Communiqué then lists a number of subcategories of gTLDs, including Children, Environmental, Health And Fitness, Financial, Gambling, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, and Inherently Governmental Functions such as Financial, and includes the Application in the “Financial” subcategory. For all Category 1 gTLDs, the GAC Communiqué advises that Registry operators: (1) require registrants to comply with law in their acceptable use policies; (2) notify registrants of this at the time of registration; (3) require registrants that collect and maintain sensitive information to take reasonable security measures; (4) establish a working relation with the relevant regulatory, industry, or self-regulatory bodies; and (5) require registrants to provide and update a single point of contact (“Category 1 Safeguards”).

For gTLDs the GAC identifies as being “associated with market sectors which have clear and/or regulated entry requirements” in multiple jurisdictions, which according to the GAC Communiqué, includes .CARINSURANCE, the GAC Communiqué advises that three additional safeguards are needed; namely, that Registry Operators: (1) verify and validate registrants’ credentials for “participation in that section”; (2) consult with national authorities if they doubt the authenticity of the registrant credentials; and (3) conduct periodic post-registration checks to ensure registrants’ continued compliance with the relevant regulations and licensing requirements (“Regulated Sector Safeguards”).

Again, this section constitutes general policy advice suitable for the GNSO Council to consider for round 2 and also does not express any specific concern about a particular application. Although it advises that “[t]hese strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm”, this section never states exactly what that harm (i.e., the “concern”) would be. And while the Category 1 section identifies the Financial category (which according to the GAC Communiqué includes .CARINSURANCE) as being one of the “market sectors which have clear and/or regulated entry requirements”, it does not advise the Board exactly what the specific concerns are with regard to the market sectors having such requirements, which would be necessary for the Board to even consider attempting to address such concerns.

Likewise, in the Category 2 section of the Potentially Relevant Commentary, the GAC Communiqué advises the Board that for strings identified in Category 1 where registration is restricted (which would include .CUTOINSURANCE), that “the registration restrictions should be appropriate for the types of risks associated with the TLD” (“Restricted Access Safeguards”) and that for strings that represent generic terms (which also would include .CCARINSURANCE according to the GAC Communiqué) that exclusive registry access should serve a public interest goal (“Exclusive Access Safeguards”). Again, these also are policy recommendations suitable for consideration by the GNSO Council for round 2, not concerns about a particular application in the current round as required by the AGB.

Furthermore, the GAC Communiqué seeks to create categories and subcategories that have no basis whatsoever in the AGB, which only specifies two types of applications: community-based and non-community based. The AGB makes no mention of, or distinction between, restricted or unrestricted TLDs because the AGB allows each applicant to set its own registry restrictions and business models in order for innovation and competition to flourish. Similarly, the General Safeguards, Category 1 Safeguards, Regulated Sector Safeguards, Restricted Access Safeguards, And Exclusive Access Safeguards have no basis whatsoever in the AGB. If the Board adopts the categorization and safeguards recommended by the GAC Communiqué, it would constitute a fundamental rewriting of the AGB and framework for new gTLDs at the end of the gTLD application process after applicants have developed business plans and expended significant amounts of time, resources and money in reliance on the existing framework. This would be the case even if the GAC Communiqué had been received by the submission deadline, which it was not, and this late filing underscores that these recommendations are improper at this point in the application process and not of the substance that applicants would reasonably have expected the GAC Communiqué to contain based on the unambiguous language of the AGB setting forth what is, and is not, GAC Advice. This is fundamentally unfair. The Board should not consider breaching its contract with applicants and violating its Articles of Incorporation, in order to accommodate this late policy advice from the GAC.

It should also be noted that the recommendations in Section IV(b) and Annex I of the GAC Communiqué directly contradict the GAC's longstanding GAC Principles Regarding New gTLDs, dating back to 2007, which states: "All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, FULLY AVAILABLE TO THE APPLICANTS PRIOR TO THE INITIATION OF THE PROCESS (emphasis added). Normally, therefore, no subsequent additional selection criteria should be used in the selection process."

Accordingly, since the recommendations in Section IV(b) and Annex I of the GAC Communiqué are broad policy recommendations that do not have any basis in the current AGB, they are not in a form permissible for the Board to consider during the evaluation process. In addition, if the Board were to adopt the Communiqué recommendations at this time, it would fundamentally alter the AGB and gTLD framework in direct contradiction to longstanding GAC Principles. Therefore, the most prudent course of action would be for the Board to submit these GAC recommendations to the GNSO Council for consideration as part of the policy development process for possible implementation in later rounds, where potential applicants would be able to make an informed decision on whether to apply for a gTLD with knowledge of any newly-imposed obligations.

II. EVEN IF THE BOARD ADOPTS THE BROAD POLICY RECOMMENDATIONS IN THE GAC COMMUNIQUÉ IN VIOLATION OF THE GAC'S OWN PRINCIPLES, THE INTENDED OPERATION OF .CARINSURANCE WILL ALIGN WITH THESE RECOMMENDED SAFEGUARDS

Should the Board adopt the recommendations in Section IV(b) and Annex 1 of the GAC Communiqué as GAC Advice rather than passing the GAC Communiqué to the GNSO Council for consideration for round 2, AFCIC's intended operation of the .CARINSURANCE gTLD as set forth in its application will be aligned with the recommendations although some of the safeguards do not seem necessary or relevant when applied to .CARINSURANCE based on AFCIC's intended use and operation of the TLD.

AFCIC and its affiliates ("Allstate") comprise a leading insurance group that provides insurance products for autos, apartments, homes, recreational vehicles, motorcycles, boats, personal property, lives and businesses across the country. Allstate is the largest publicly-held personal lines property and casualty insurance group in America with over 12,000 agents and operations throughout the United States, Canada, and in the UK. Allstate has a longstanding commitment to the highest ethical standards and has always had an exemplary governance program. As stated in AFCIC's application for .CARINSURANCE, "The intended future mission of the .CARINSURANCE gTLD is to serve as a trusted, hierarchical, and intuitive namespace, provided by AFCIC for AFCIC and potentially its qualified subsidiaries affiliates, business partners and others." In other words, the .CARINSURANCE gTLD will be a securely restricted TLD which will initially only allow registration of second level domain names by AFCIC and its subsidiaries and affiliates, and then will eventually be open to AFCIC's over 12,000 agents who are non-employee independent contractors. Notably, also as stated in AFCIC's application for .CARINSURANCE, these registrants will be required to have a formal, written agreement with AFCIC or an AFCIC affiliate, specifically allowing the registration of a second-level domain name in the .CARINSURANCE gTLD registry ("Required Agreement").

Because the purpose of the .CARINSURANCE TLD is to provide a trusted namespace operated by AFCIC where consumers can get information about Allstate, its business partners and independent agents, and their products and services, while being safe from phishing, pharming, cybersquatting and other forms of online fraud, AFCIC's intended operation of .CARINSURANCE is already aligned with the recommended General Safeguards. As domain names will only be available to Allstate, its business partners and independent agents, AFCIC will be motivated to ensure that Whois information is accurate and that inaccurate Whois information is addressed and has consequences. Accordingly, AFCIC intends to conduct Whois verification and checks as well as to monitor for security threats. It should be noted that since all of the registrants will be either AFCIC, its subsidiaries, affiliates or independent agents, AFCIC should have access to the correct contact information for them to be used for verification, unlike Registry Operators of "open" TLDs. The requirement of accurate Whois information and consequences for inaccurate Whois information will be included in the Required Agreement. Since AFCIC has an interest in ensuring that Whois information is accurate and that the namespace is secure, it already intends to have a mechanism in place for reporting inaccurate Whois information and security issues. Furthermore, as specified in its application, AFCIC intends to host all of the second-level domains in the .CARINSURANCE TLD, which will simplify monitoring for compliance and enforcement for non-compliance.

AFCIC's intended operation of the .CARINSURANCE TLD as specified in its application is also aligned with the recommended Category 1 Safeguards and the Regulated Sector Safeguards. AFCIC employs a variety of physical, electronic, contractual, and managerial safeguards to protect personal and confidential information within its premises and on its websites, and AFCIC will take similar precautions to protect registrant and user data associated with the .CARINSURANCE gTLD. It is intended that both the Required Agreement and the registration agreement as well as other agreements between AFCIC and registrants will require the registrants (which as previously noted, would be either AFCIC, its affiliates or subsidiaries or its independent agents) to comply with law and take reasonable security measures to protect sensitive information and to provide and update a single point of contact. Additionally, AFCIC's proposed validation of agents will facilitate the ability of the "abuse point of contact" (as required in Section 4.1 of the template Registry Agreement) to respond to use complaints in a more timely fashion, especially with regard to "any reports from law enforcement, governmental agencies, and quasi-governmental agencies of legal content." With regard to AFCIC establishing a working relationship with the relevant regulatory, industry, or self-regulatory bodies, these relationships already exist as Allstate is the largest publicly held personal lines property and casualty insurer in America, and the insurance industry is highly regulated. Allstate regularly works with the National Association of Insurance Commissioners, state and federal regulators, legislators and other authorities, and various trade groups including the Financial Services Roundtable. Similarly, because AFCIC is a property and casualty insurance provider and the only registrants of .CARINSURANCE domain names other than itself will be its affiliates, business partners or its independent contractor agents, AFCIC will already have verified that such parties have the necessary credentials. AFCIC will consult with the relevant authorities if it doubts the authenticity of those credentials (the relevant authorities in this case in the U.S., would likely be state authorities as opposed to national authorities as property and casualty insurance regulation in the U.S. is primarily state-based) and will have a program in place for monitoring of compliance with regulatory and licensing requirements.

AFCIC's intended operation of the .CARINSURANCE TLD would also comport with the recommended Restricted Access Safeguards and Exclusive Access Safeguards in that the restrictions that would apply to the .CARINSURANCE TLD are both appropriate to the types of risks associated with the TLD and serve the public interest (although, since as described above, access to the registry is only securely restricted, and not exclusive, the Exclusive Access Safeguards would not apply to the .CARINSURANCE TLD). Property and casualty insurers must obtain and protect sensitive information from consumers in order to provide insurance coverage to them as well as to process applications, provide quotes, and perform other related services. Therefore, property and casualty insurers and their customers are frequent targets for phishing, pharming, and other forms of fraud and abuse, and unrestricted TLDs will create new opportunities for these types of fraud. As the Board is surely aware, the number and sophistication of phishing scams sent out to consumers is continuing to increase dramatically. See <http://apwg.com/resources/overview/avoid-phishing-scams..> One of the most common ways that such fraud is perpetrated is through fraudulent email messages that come from email addresses based on a domain name that may contain a well-known company name or trademark (commonly referred to as "phishing"). See <http://www.fbi.gov/scams-safety/fraud>. The email addresses ask the consumer for sensitive information, which the consumer provides because it recognizes the company or brand name. Similarly, domain names incorporating and/or resembling well-known company names and marks can be used to set up fake websites that can trick consumers to enter their personal, password or financial information (commonly known as "pharming"). See <http://www.scamwatch.gov.au/content/index.phtml/itemId/829456>. The Board is also aware that cybersquatting continues to be a significant problem. According to WIPO, in 2012, trademark holders filed a record 2,884 cybersquatting cases covering 5,084 Internet domain names with WIPO alone, and WIPO panels found evidence of cybersquatting in 91% of all decided cases. See http://www.wipo.int/pressroom/en/articles/2013/article_0007.html.

Phishing, pharming, cybersquatting, and other forms of internet fraud flourish in unrestricted TLDs like .com because anyone can register a domain name in them, without any verification of rights or intended use, and the full burden of monitoring and stopping these fraudulent uses of domain names falls primarily on the companies whose names or marks are being used to perpetrate the fraud, or in some cases government/law enforcement. As the GAC itself opined in the GAC Communiqué, strings like .CARINSURANCE are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. Since the .CARINSURANCE TLD would be securely restricted to only AFCIC, its affiliates, and its independent agents, who are licensed insurance providers and who are known to AFCIC and bound by agreements such as the Required Agreement, the result would be that these types of fraud would be virtually non-existent in the .CARINSURANCE TLD, which would benefit consumers and businesses generally, including AFCIC's competitors. Furthermore, it should be noted that as AFCIC intends to permit its independent contractor agents, who may also offer competitors' property and casualty products and services, to register second-level domains in the .CARINSURANCE TLD, some of AFCIC's competitors will have indirect access to the .CARINSURANCE TLD. Additionally, AFCIC's intention is to reserve the names and trademarks of known competitors from registration in .CARINSURANCE and to implement additional Rights Protection Mechanisms that will allow trademark owners, including competitors, to challenge domain names initially reserved/allocated by AFCIC. This will prevent consumer confusion in the namespace and protect trademark owners' rights generally, and AFCIC's competitors' rights specifically, in the .CARINSURANCE TLD. As such, the secure restrictions AFCIC intends to utilize

GAC Advice Response Form for Applicants



for .CARINSURANCE are clearly both appropriate for the risks associated with the string and also in the public interest.

Therefore, even if the Board considers the GAC Communiqué as GAC advice, AFCIC should be able to proceed with its .CARINSURANCE TLD application without remediation because it satisfies the proposed standards.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Allstate Fire and Casualty Insurance Company
Application ID	1-1191-86372
Applied for TLD (string)	.autoinsurance

Response:

Allstate Fire and Casualty Insurance Company ("AFCIC") appreciates the opportunity to respond to the ICANN Board (the "Board") with regard to the GAC Communiqué issued by the GAC on April 11, 2013 and published by ICANN on April 18, 2013 ("GAC Communiqué"). While AFCIC respects the recommendations offered by the GAC Communiqué, AFCIC believes that the Board should not consider the recommendations in Section IV(b) and Annex 1 of the GAC Communiqué as part of the gTLD evaluation process for the application for .AUTOINSURANCE because (1) the recommendations are untimely under the clear language of the Applicant Guidebook ("AGB"); (2) they are broad policy recommendations not recognized by the AGB as GAC advice related to new gTLD applications that can be considered by the Board; and (3) the Board's adoption of these recommendations at the end of the application process would essentially rewrite the AGB and impose significant unexpected additional costs and obligations on many applicants who relied on the existing contractual framework. However, should the Board adopt these recommendations, AFCIC's intended operation of the .AUTOINSURANCE TLD, as specified in its application, comports with them.

I. THE BOARD SHOULD NOT CONSIDER THE GAC COMMUNIQUÉ DURING THE EVALUATION PROCESS

A. THE GAC COMMUNIQUÉ WAS NOT SUBMITTED IN TIME TO BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

The AGB provides: "The GAC may provide public policy advice directly to the ICANN Board on any application." Section 1.1.2.7. However, the AGB makes clear that "to be considered by the Board during the evaluation process, the GAC Advice on New gTLDs must be submitted by the close of the objection filing period." This submission deadline is of such importance that it is stated not once, but twice in the AGB – in Sections 1.1.2.7 AND 3.1. The language of Sections

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1.1.2.7 and 3.1 is clear and unambiguous. It is a condition precedent that for any GAC Advice to be considered during the evaluation process, it must be submitted prior to the close of the Objection Filing Period. If this condition precedent is not met, the Board should not consider the GAC Communiqué as GAC Advice in the evaluation process.

The GAC Communiqué was not submitted prior to the deadline for consideration by the Board. The Objection Filing Period closed on March 13, 2013 at 23:59:59 UTC (see <http://www.icann.org/en/news/announcements/announcement-2-28feb13-en.htm>). The GAC Communiqué is dated April 11, 2013, which is 28 days after the close of the Objection Filing Period. Accordingly, since the GAC Communiqué did not meet the condition precedent, it is not GAC Advice and the Board should not consider it during the application process. Just as ICANN would not accept a gTLD application 28 days after the application deadline, or an objection 28 days after the deadline, or a response to Clarifying Questions 28 days after the deadline, neither should it consider the GAC Communiqué submitted 28 days after the deadline.

While the GAC has an important role in this process, the issues raised in the GAC Communiqué could have been raised earlier in the process including during the development of the AGB. Therefore, the GAC is not being denied its opportunity to timely raise these issues. Conversely, if the Board were to consider the Communiqué submitted well after the deadline, such a decision would adversely impact the gTLD application process. ICANN is obligated by its Articles of Incorporation to “operate for the benefit of the Internet community as a whole.” Section 4. Consideration of the late GAC Communiqué as GAC Advice in the evaluation process, in clear contradiction of the unambiguous requirements of the AGB, would introduce even more unpredictability into the new gTLD application process and significantly damage what remains of the public’s confidence in the integrity of the new gTLD application process.

Accordingly, while the Board may forward the GAC Communiqué to the GNSO for consideration in the development and implementation of the next round of gTLD applications, the Board should not consider the GAC Communiqué in the evaluation process for THIS round of applications as this round nears its end.

B. EVEN IF THE GAC COMMUNIQUÉ WAS TIMELY, THE PORTIONS OF IT RELEVANT TO THE APPLICATION ARE NOT IN A FORM WHICH MAY BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

Section 3.1 of the AGB specifies the three (3) possible forms for GAC Advice that may be considered by the Board. Specifically, it states:

“GAC Advice may take one of the following forms:

I. The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved. (“Type I Advice”)

II. The GAC advises ICANN that there are concerns about a particular application “dot-example.” The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision. (“Type II Advice”)

III. The GAC advises ICANN that an application should not proceed unless remediated. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook (such as securing the approval of one or more governments), that is implemented by the applicant.” (“Type III Advice”)

Only Section IV(b) and Annex 1 of the GAC Communiqué are potentially relevant to the .AUTOINSURANCE (the “Potentially Relevant Commentary”). Nothing in the Potentially Relevant Commentary advises ICANN that it is the consensus of the GAC that any particular application should not proceed. Accordingly, the Potentially Relevant Commentary does not constitute Type I Advice. Similarly, the Potentially Relevant Commentary does not advise ICANN that there are concerns about a particular application, and thus it does not constitute Type II Advice. Finally, nothing in the Potentially Relevant Commentary advises ICANN that any application should not proceed unless remediated. Accordingly, the Potentially Relevant Commentary does not constitute Type III Advice.

To function within the evaluation process, the GAC advice requirements were structured to require GAC advice to express concerns about particular applications with those concerns raised on a case by case basis, taking into consideration the specifics of each string, application, and applicant. Instead, in the first part of the Potentially Relevant Commentary, the GAC advises the Board of six safeguards that it now believes at this late stage should be used to amend the AGB and apply to all new gTLDs (“General Safeguards”): (1) Whois verification and checks to identify registrations with deliberately false, inaccurate, or incomplete WHOIS information and notifying the relevant registrar of the inaccuracy; (2) Mitigating abusive activity by ensuring that terms of use prohibit illegal and illicit conduct; (3) Security checks to assess whether domains are being used to perpetrate security threats; (4) Documentation of inaccurate WHOIS records and security threats and the actions taken to respond to such checks; (5) ensuring that there is a mechanism in place for making complaints to the registry operator regarding inaccurate WHOIS or security threats in the TLD; and (6) ensuring that there are consequences for false WHOIS information and use of a domain name in violation of law. This is clearly general policy advice and not advice about a particular application.

The GAC Communiqué then goes on to list additional safeguards that should apply to what it identifies as two categories of gTLDs: Category 1, Consumer Protection, Sensitive Strings, and Regulated Markets; and Category 2, Restricted Registration Policies. For Category 1 gTLDs, the GAC Communiqué then lists a number of subcategories of gTLDs, including Children, Environmental, Health And Fitness, Financial, Gambling, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, and Inherently Governmental Functions such as Financial, and includes the Application in the “Financial” subcategory. For all Category 1 gTLDs, the GAC Communiqué advises that Registry operators: (1) require registrants to comply with law in their acceptable use policies; (2) notify registrants of this at the time of registration; (3) require registrants that collect and maintain sensitive information to take reasonable security measures; (4) establish a working relation with the relevant regulatory, industry, or self-regulatory bodies; and (5) require registrants to provide and update a single point of contact (“Category 1 Safeguards”).

For gTLDs the GAC identifies as being “associated with market sectors which have clear and/or regulated entry requirements” in multiple jurisdictions, which according to the GAC Communiqué, includes .AUTOINSURANCE, the GAC Communiqué advises that three additional safeguards are needed; namely, that Registry Operators: (1) verify and validate registrants’ credentials for “participation in that section”; (2) consult with national authorities if they doubt the authenticity of the registrant credentials; and (3) conduct periodic post-registration checks to ensure registrants’ continued compliance with the relevant regulations and licensing requirements (“Regulated Sector Safeguards”).

Again, this section constitutes general policy advice suitable for the GNSO Council to consider for round 2 and also does not express any specific concern about a particular application. Although it advises that “[t]hese strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm”, this section never states exactly what that harm (i.e., the “concern”) would be. And while the Category 1 section identifies the Financial category (which according to the GAC Communiqué includes .AUTOINSURANCE) as being one of the “market sectors which have clear and/or regulated entry requirements”, it does not advise the Board exactly what the specific concerns are with regard to the market sectors having such requirements, which would be necessary for the Board to even consider attempting to address such concerns.

Likewise, in the Category 2 section of the Potentially Relevant Commentary, the GAC Communiqué advises the Board that for strings identified in Category 1 where registration is restricted (which would include . AUTOINSURANCE), that “the registration restrictions should be appropriate for the types of risks associated with the TLD” (“Restricted Access Safeguards”) and that for strings that represent generic terms (which also would include. AUTOINSURANCE according to the GAC Communiqué) that exclusive registry access should serve a public interest goal (“Exclusive Access Safeguards”). Again, these also are policy recommendations suitable for consideration by the GNSO Council for round 2, not concerns about a particular application in the current round as required by the AGB.

Furthermore, the GAC Communiqué seeks to create categories and subcategories that have no basis whatsoever in the AGB, which only specifies two types of applications: community-based and non-community based. The AGB makes no mention of, or distinction between, restricted or unrestricted TLDs because the AGB allows each applicant to set its own registry restrictions and business models in order for innovation and competition to flourish. Similarly, the General Safeguards, Category 1 Safeguards, Regulated Sector Safeguards, Restricted Access Safeguards, And Exclusive Access Safeguards have no basis whatsoever in the AGB. If the Board adopts the categorization and safeguards recommended by the GAC Communiqué, it would constitute a fundamental rewriting of the AGB and framework for new gTLDs at the end of the gTLD application process after applicants have developed business plans and expended significant amounts of time, resources and money in reliance on the existing framework. This would be the case even if the GAC Communiqué had been received by the submission deadline, which it was not, and this late filing underscores that these recommendations are improper at this point in the application process and not of the substance that applicants would reasonably have expected the GAC Communiqué to contain based on the unambiguous language of the AGB setting forth what is, and is not, GAC Advice. This is fundamentally unfair. The Board should not consider breaching its contract with applicants and violating its Articles of Incorporation, in order to accommodate this late policy advice from the GAC.

It should also be noted that the recommendations in Section IV(b) and Annex I of the GAC Communiqué directly contradict the GAC's longstanding GAC Principles Regarding New gTLDs, dating back to 2007, which states: "All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, FULLY AVAILABLE TO THE APPLICANTS PRIOR TO THE INITIATION OF THE PROCESS (emphasis added). Normally, therefore, no subsequent additional selection criteria should be used in the selection process."

Accordingly, since the recommendations in Section IV(b) and Annex I of the GAC Communiqué are broad policy recommendations that do not have any basis in the current AGB, they are not in a form permissible for the Board to consider during the evaluation process. In addition, if the Board were to adopt the Communiqué recommendations at this time, it would fundamentally alter the AGB and gTLD framework in direct contradiction to longstanding GAC Principles. Therefore, the most prudent course of action would be for the Board to submit these GAC recommendations to the GNSO Council for consideration as part of the policy development process for possible implementation in later rounds, where potential applicants would be able to make an informed decision on whether to apply for a gTLD with knowledge of any newly-imposed obligations.

II. EVEN IF THE BOARD ADOPTS THE BROAD POLICY RECOMMENDATIONS IN THE GAC COMMUNIQUÉ IN VIOLATION OF THE GAC'S OWN PRINCIPLES, THE INTENDED OPERATION OF .AUTOINSURANCE WILL ALIGN WITH THESE RECOMMENDED SAFEGUARDS

Should the Board adopt the recommendations in Section IV(b) and Annex 1 of the GAC Communiqué as GAC Advice rather than passing the GAC Communiqué to the GNSO Council for consideration for round 2, AFCIC's intended operation of the .AUTOINSURANCE gTLD as set forth in its application will be aligned with the recommendations although some of the safeguards do not seem necessary or relevant when applied to .AUTOINSURANCE based on AFCIC's intended use and operation of the TLD.

AFCIC and its affiliates ("Allstate") comprise a leading insurance group that provides insurance products for autos, apartments, homes, recreational vehicles, motorcycles, boats, personal property, lives and businesses across the country. Allstate is the largest publicly-held personal lines property and casualty insurance group in America with over 12,000 agents and operations throughout the United States, Canada, and in the UK. Allstate has a longstanding commitment to the highest ethical standards and has always had an exemplary governance program. As stated in AFCIC's application for .AUTOINSURANCE, "The intended future mission of the .AUTOINSURANCE gTLD is to serve as a trusted, hierarchical, and intuitive namespace, provided by AFCIC for AFCIC and potentially its qualified subsidiaries affiliates, business partners and others." In other words, the .AUTOINSURANCE gTLD will be a securely restricted TLD which will initially only allow registration of second level domain names by AFCIC and its subsidiaries and affiliates, and then will eventually be open to AFCIC's over 12,000 agents who are non-employee independent contractors. Notably, also as stated in AFCIC's application for .AUTOINSURANCE, these registrants will be required to have a formal, written agreement with AFCIC or an AFCIC affiliate, specifically allowing the registration of a second-level domain name in the .AUTOINSURANCE gTLD registry ("Required Agreement").

Because the purpose of the .AUTOINSURANCE TLD is to provide a trusted namespace operated by AFCIC where consumers can get information about Allstate, its business partners and independent agents, and their products and services, while being safe from phishing, pharming, cybersquatting and other forms of online fraud, AFCIC's intended operation of .AUTOINSURANCE is already aligned with the recommended General Safeguards. As domain names will only be available to Allstate, its business partners and independent agents, AFCIC will be motivated to ensure that Whois information is accurate and that inaccurate Whois information is addressed and has consequences. Accordingly, AFCIC intends to conduct Whois verification and checks as well as to monitor for security threats. It should be noted that since all of the registrants will be either AFCIC, its subsidiaries, affiliates or independent agents, AFCIC should have access to the correct contact information for them to be used for verification, unlike Registry Operators of "open" TLDs. The requirement of accurate Whois information and consequences for inaccurate Whois information will be included in the Required Agreement. Since AFCIC has an interest in ensuring that Whois information is accurate and that the namespace is secure, it already intends to have a mechanism in place for reporting inaccurate Whois information and security issues. Furthermore, as specified in its application, AFCIC intends to host all of the second-level domains in the .AUTOINSURANCE TLD, which will simplify monitoring for compliance and enforcement for non-compliance.

AFCIC's intended operation of the .AUTOINSURANCE TLD as specified in its application is also aligned with the recommended Category 1 Safeguards and the Regulated Sector Safeguards. AFCIC employs a variety of physical, electronic, contractual, and managerial safeguards to protect personal and confidential information within its premises and on its websites, and AFCIC will take similar precautions to protect registrant and user data associated with the .AUTOINSURANCE gTLD. It is intended that both the Required Agreement and the registration agreement as well as other agreements between AFCIC and registrants will require the registrants (which as previously noted, would be either AFCIC, its affiliates or subsidiaries or its independent agents) to comply with law and take reasonable security measures to protect sensitive information and to provide and update a single point of contact. Additionally, AFCIC's proposed validation of agents will facilitate the ability of the "abuse point of contact" (as required in Section 4.1 of the template Registry Agreement) to respond to use complaints in a more timely fashion, especially with regard to "any reports from law enforcement, governmental agencies, and quasi-governmental agencies of legal content." With regard to AFCIC establishing a working relationship with the relevant regulatory, industry, or self-regulatory bodies, these relationships already exist as Allstate is the largest publicly held personal lines property and casualty insurer in America, and the insurance industry is highly regulated. Allstate regularly works with the National Association of Insurance Commissioners, state and federal regulators, legislators and other authorities, and various trade groups including the Financial Services Roundtable. Similarly, because AFCIC is a property and casualty insurance provider and the only registrants of .AUTOINSURANCE domain names other than itself will be its affiliates, business partners or its independent contractor agents, AFCIC will already have verified that such parties have the necessary credentials. AFCIC will consult with the relevant authorities if it doubts the authenticity of those credentials (the relevant authorities in this case in the U.S., would likely be state authorities as opposed to national authorities as property and casualty insurance regulation in the U.S. is primarily state-based) and will have a program in place for monitoring of compliance with regulatory and licensing requirements.

AFCIC's intended operation of the .AUTOINSURANCE TLD would also comport with the recommended Restricted Access Safeguards and Exclusive Access Safeguards in that the restrictions that would apply to the .AUTOINSURANCE TLD are both appropriate to the types of risks associated with the TLD and serve the public interest (although, since as described above, access to the registry is only securely restricted, and not exclusive, the Exclusive Access Safeguards would not apply to the .AUTOINSURANCE TLD). Property and casualty insurers must obtain and protect sensitive information from consumers in order to provide insurance coverage to them as well as to process applications, provide quotes, and perform other related services. Therefore, property and casualty insurers and their customers are frequent targets for phishing, pharming, and other forms of fraud and abuse, and unrestricted TLDs will create new opportunities for these types of fraud. As the Board is surely aware, the number and sophistication of phishing scams sent out to consumers is continuing to increase dramatically. See <http://apwg.com/resources/overview/avoid-phishing-scams..> One of the most common ways that such fraud is perpetrated is through fraudulent email messages that come from email addresses based on a domain name that may contain a well-known company name or trademark (commonly referred to as "phishing"). See <http://www.fbi.gov/scams-safety/fraud>. The email addresses ask the consumer for sensitive information, which the consumer provides because it recognizes the company or brand name. Similarly, domain names incorporating and/or resembling well-known company names and marks can be used to set up fake websites that can trick consumers to enter their personal, password or financial information (commonly known as "pharming"). See <http://www.scamwatch.gov.au/content/index.phtml/itemId/829456>. The Board is also aware that cybersquatting continues to be a significant problem. According to WIPO, in 2012, trademark holders filed a record 2,884 cybersquatting cases covering 5,084 Internet domain names with WIPO alone, and WIPO panels found evidence of cybersquatting in 91% of all decided cases. See http://www.wipo.int/pressroom/en/articles/2013/article_0007.html.

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AFCIC intends to utilize for .AUTOINSURANCE are clearly both appropriate for the risks associated with the string and also in the public interest.

Therefore, even if the Board considers the GAC Communiqué as GAC advice, AFCIC should be able to proceed with its .AUTOINSURANCE TLD application without remediation because it satisfies the proposed standards.

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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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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	HEXAP
Application ID	1-1192-28569
Applied for TLD (string)	MED

Response:

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

Paris, May 7th, 2013

Dear Members of the Board of Directors,

Hexap received and reviewed with great interest the Beijing Communiqué from the Government Advisory Committee¹.

As an applicant for the .MED Top Level Domain, we wholeheartedly agree that the string we applied for is (i) consumer-oriented, (ii) could be considered as “sensitive” and (iii) demands certain safeguards to be applied.

As you will see below, those three principles were at the core of our application long before we applied for the Top Level Domain (I.) which allows our application to match the GAC Specific Safeguards relevant to the GAC-defined category (II.) and obviously be in line with the Safeguards applicable to all new gTLDs (III.). Moreover, we are ready to listen to input from the Board, the GAC and the relevant authorities if need be (IV.).

I. Hexap's .MED Application was developed to take into account Consumer Protection and the sensitivity of the string

While the GAC has chosen not to differentiate between applications bearing the same string, Hexap believes there is much more to a Top Level Domain than a few characters. In order to facilitate the Board's assessment of the observance and/or impact of the Safeguards to Hexap's .MED, the following presents Hexap's founders, their vision, and some key points of their application in greater details.

1. A few words about Hexap

The company is a special-purpose vehicle created for the new gTLD application, yet the team behind it **totalizes more than a decade of experience** in organizing identified and ordered Communities on the Internet.

Promopixel, Hexap's sister company which operates “SmallRegistry.net”, was entrusted by the French “Conseil National de l'Ordre des Médecins” (“CNOM”) to oversee and manage the Registry for the regulated sector-based subdomain “.Medecin.Fr” in strict accordance with Good Medical Practices.

Started as far as 2009, Promopixel's – and therefore the Hexap's team – ongoing and fruitful cooperation with CNOM is reflected in the “White Paper on Medical

¹ <http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf>

Deontology on the Internet" (in French) published in late 2011². In this white paper, CNOM goes on the record to say they wish for a .MED extension run by Hexap to be active on the Internet. CNOM is an official supporter of the Application. Relating to a possible change of regulated sector-based subdomain ".Medecin.Fr" in favor of .MED:

*"The CNOM will revise its charter naming .Medecin.Fr in relation with the changes described in this White Paper and will not infringe International naming. med, that is in the process to be adopted."*³

Under the same principles, Hexap's sister company also oversees and manages the Internet domain name identity of several other sector-based entities and regulated health professionals such as:

- chirurgiens-dentistes.fr (targeted at dental surgeons)
- pharmacien.fr (targeted at pharmacists)

All zones managed by Promopixel are regulated by specific policies. Notably, ".Medecin.Fr", ".chirurgiens-dentistes.fr" and ".pharmacien.fr" are all run by Promopixel in accordance with legal elements from the French Codes of Medical Practice.

This successful cooperation with the three French medical, dental and pharmaceutical Orders is what led our team to apply for a community-based gTLD, operated under the highest ethical standards. This initiative is supported by both medical authorities and practitioners, and piloted by HEXAP founders, some of which have sworn the Hippocratic Oath, which sets the duties of qualified professionals in their relation with patients and respect for colleagues.

This established track record and clear vision have led many prominent stakeholders in the medical field to publicly show support for Hexap's .MED initiative in letters included as attachments to answer 20f in our application and whose full list is enclosed to this document as Exhibit 5.

2. The need for a .MED

Hexap emphasizes on the fact that the French Medical Council (CNOM) establishes that *"71% of the French people are seeking medical or health information on the Internet and use the Internet in order to obtain health information"*. This clearly shows use of the Internet in such a context is a widespread practice. If the Internet is, in essence, a source of information considered not as trustworthy as others (including by doctors and pharmacists), it remains true that 74% of people visiting websites for medical information state that medical or health information they read on the Internet *appears to them to be reliable*⁴.

The French Medical Council adds that *« However, only 28% of people who visit medical or health information websites know whether these sites are certified and among them, only 12% visit only certified websites. In contrast, 71% admit not to be able to differentiate between certified websites and others"*. Moreover, CNOM adds that *"Having benchmarks to identify certified websites – sites operated in*

² <http://www.conseil-national.Medecin.Fr/article/livre-blanc-deontologie-medecale-sur-le-web-1153>

³ Ibid., p.17

⁴ Ibid.

accordance with the Code of Conduct of the “Health On The Net” Foundation⁵ – would likely provide [the Internet users] with the necessary reassurances on the content of websites they visit”. In fact, it was observed that Internet users who were able to identify sites as “certified” were more likely to deem the information they read on the Internet as reliable (81%, against 73% for all respondents) and reassuring (66% against 59%). »⁶

Besides, recent studies performed in 12 countries across the world – Australia, Brazil, China, France, Germany, India, Italy, Mexico, Russia, Spain, UK and the USA – highlight that nearly **half (46%) of people** who use the Internet to get information about health **do so to self-diagnose**⁷:

*« Looking specifically at health-related issues, providing more and better information about health may help empower individuals, but it is a challenge to ensure that online health information is of high quality and can be trusted. Not only is there an ever increasing amount of information available, some of which may be inaccurate and out of date, it can also be difficult to identify the source of website content and if there is a link to commercial activity. The consequences of poor quality information can be serious, as it may lead to **needless worry, unnecessary consultations, over-use of health services and/or a delay in appropriate diagnosis**. In some circumstances, online health information may also lead to false hope, unnecessary costs and be directly **harmful to health** due to recommendations for unproven, ineffective, or even deliberately bogus tests and treatments. »⁸*

Taking into account these documented facts, based on widespread surveys performed on large and representative panels worldwide, Hexap as long believed the domain name industry **needs a safe and curated medical namespace** that will offer patients reliable health-related information.

This has always been Hexap's mission, culminating with its application for the .MED Top Level, which is supported by its specific policy rules⁹ and the creation of a dedicated Medical ClearingHouse (“MCH”) both that will be further described below. **We are convinced that the medical sector of the Internet needs regulation and policies as described in our application, supported by the specific tools we have developed. Rejecting such initiative and letting the status quo stand would only encourage the persistence and increase of the above-mentioned risks and pitfalls.**

3. Hexap is the only community-based .MED application

Hexap chose to submit community-based .MED application based on the following mission statement:

- Opening up a new namespace for the medical community that resonates worldwide (.MED is easily recognizable in over 70 languages);

⁵ http://www.hon.ch/index_f.html

⁶ Ibid.

⁷ http://www.bupa.com/media/44806/online_20health_20-20untangling_20the_20web.pdf

⁸ Ibid.

⁹ § 20(e) of Hexap's Application – Exhibit 1

- Creating a new sphere of trust by ascribing these domain names exclusively to healthcare professionals. Practitioners, research laboratories, healthcare centers, schools and universities, organizations, institutions and industrial centers will be authorized to own and operate websites with the .MED extension;
- Implementing a certification program to reassure users that the information about the site they're reading is trustworthy, including putting them in contact with a healthcare professional or healthcare company if they wish.

In details, answer 18a of our application states that: « .MED will be an exclusive namespace where registrations are only open to licensed health care professionals and with eligibility rules, a new zone protected by colleagues who validate the authenticity and qualifications of registrants and an application serving patients' interests”

- Any domain name registered in .MED must be used in the best interest of patients or other health care practitioners. Parking domain names will not be allowed.
- Additionally, answer 18c states that HEXAP will at all times be entitled to restrict, limit or expand: “the category or categories of stakeholders who will be entitled to register one or more domain names in the .MED gTLD, including their criteria for qualification [...] the choice of the domain name(s) registered in the .MED gTLD by and per such eligible stakeholder (category) and the use made by an and per eligible stakeholder of a domain name registered in the .MED gTLD”.
- The registration of domain names will be monitored at all times by the .MED Registry Operator. These principles will apply during the registration process, but also as regards the use the registrant is making of such a domain name.
- In answer 18b: “Furthermore, 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 all the reasons above, Hexap truly hopes that the significant support for Hexap from within the Medical Community will be taken into account by ICANN, as advised by the GAC in IV.1.e of the Communiqué¹⁰

4. Hexap will operate a “Medical Clearinghouse”

Fully conscious of the risks and responsibilities linked to operating an extension such as .MED, Hexap will take the unprecedented step to instate a **permanent Sunrise** in its Registration Rules.

As a Community applicant, Hexap has put in place specific rules to ensure registration of .MED domain names are limited to defined members of the Med community. To that end, Registrars will interface with the Medical Clearinghouse

¹⁰ “in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information”.

("MCH") which will be active for each and every domain name registration and will form an intrinsic part of the domain name lifecycle.

As stated in our application, the Medical Clearinghouse will offer the following services at all times:

- *Mandatory professional identification*: any new registrant creating a domain name will have to **prove its profession, occupation and/or professional qualifications**;
- *Continuous license checking*: every domain name renewal **will be subject to an automatic re-verification of the Registrant's credentials**, similar to the verification set out above; any registrant who has lost its accreditation, license, or professional accreditation will consequently also **not be entitled to renew its domain name registration**;
- *Professional account credential provider for third party authentication*: using a single combination of email and password, .MED domain name registrant will be able to be authenticated on websites and devices granted by the Registry Operator. This single sign-in service will benefit:
 - .MED domain name registrants being identified as a health care provider without sharing their logins and passwords; and
 - Companies willing to identify a health care provider upon sign-up on their websites and devices, by connecting to the Medical Clearinghouse.
- *Advanced WHOIS web interface*: the WHOIS data will be complemented with a full description of the domain owner's health care license, and made available to Internet users (however always bearing in mind that privacy restrictions may apply);
- In order to increase visibility of the .MED TLD and its domain name registrants, the Applicant *will also distribute SSL certificates* and deliver seals of authenticity for web publishers, in addition to the default DNSSEC implementation. These certificates intend to reinforce the security and safety aspects of .MED.

II. Hexap's application already matches specific Safeguards from the GAC

As stated above, Hexap strongly believes that the future .MED Top Level Domain should be managed in the best possible way as to ensure the protection of patients and provide practitioners with an adequate level of trust. For this reason, we were glad to see that, **as an extension that is part of the "Health and Fitness" subset of the GAC-defined Category 1**, most if not all the safeguards that GAC says "are intended to apply to particular categories" are already taken into account in our application, as we will demonstrate as follows.

1. Registry operators will include in its acceptable use policy that registrants 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.

Due to the specific and stringent requirements of the medical sector, Hexap's Acceptable Use Policy ("AUP") will be adapted from time to time to ensure maximum compliance with the relevant rules and best practices. As stated in §4 "Registration Policies" of Section 18(b) of Hexap's application:

« The .MED registration policy is inspired by the principles reflected by the Hippocratic Oath, as well as Medical Good Practices established by various national and international organizations and institutions. These establish the obligation imposed upon the registrant to respect the interests of patients as well as the medical deontology.

[...] Practitioners [...] consist of licensed health professionals and health associate professionals only. Regional restrictions may apply for all professions as not all of these professions are recognized by local authorities. »

Additionally, the AUP was constructed to benefit from various inputs from Hexap's scientific council, its regulatory supporters – such as CNOM – and of course of Hexap's founders' longstanding relationship with the relevant public authorities, including GAC representatives.

Moreover, our Application already addresses several issues raised by the GAC, as seen below:

a. Applicable Laws

Hexap's application is very clear on the Registrants' rights and duties. Section 20(e) notably states:

« The .MED registration policy is inspired by the principles reflected by the Hippocratic Oath, as well as "medical best practices" established by various national and international organizations and institutions. These establish the obligation imposed upon the registrant to respect the interests of patients as well as the medical deontology. [...]

*The holder of a domain name is committed to serving and share information aimed at patients, always considering **the best interests of patients, their dignity and privacy**. Furthermore, the registrant commits to providing 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. [...]*

*When registering a domain name, the registrant must acknowledge that complaints can be filed with the Registry Operator or Medical Clearinghouse for various reasons, including but not limited to a breach of the eligibility requirements, if the information of the registrant is inaccurate or no longer up-to-date, **non-compliance with the Registry Operator's policies, trademark infringement, impersonation, illegal activities, etc.** Furthermore, 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. »*

b. Consumer Protection

The Medical sector recognizes patients not "consumers" per se, which is why Section 18(a) states that "the .MED gTLD purports to be an application **servicing patients' interests**". However, Section 18(b) states:

« The .MED gTLD intends to be the top-level domain in which professionals from the health care industry will be entitled to register domain names in view of **protecting the interests of consumers**. [...]

The .MED gTLD will thus give benefits to [...] **patients seeking to exchange information in a secure environment**: in addition to DNSSEC, Internet users will be able to check on .MED WHOIS services various verified information regarding the registrant occupation (license id, professional address, diplomas). »

Section 26, §6 also states that [Hexap] can exercise at any time control over the applied-for TLD and any and all domain names registered in this extension, and:

« 6) review whether the use that is made of a particular domain name corresponds with HEXAP's use policy, and suspend domain name registrations or even delete name servers associated with domain names that are being used in a manner that does not comply with the types of uses that are allowed by HEXAP. Therefore, it is likely that for the term of the Registry Operator Agreement that will be executed between HEXAP and ICANN following award of the applied-for TLD by the latter to HEXAP, the Registry Operator will carefully monitor and manage all domain name registrations that are being made in the applied-for TLD. This way, HEXAP will put measures in place on a continuous basis whereby, first of all, the rights and legitimate interest of third parties are safeguarded, and, secondly, the reputation and good name of the .MED TLD will be underlined at all times. »

c. Privacy

Additionally, Section 18(b) 2. specifies:

« WHOIS data will be complemented with a full description of the domain owner's health care license, and made available to Internet users (however always bearing in mind that **privacy restrictions may apply**). »

Such Restrictions can also be of a technical nature, as outlined in Section 26, §2.4:

« The Registry Operator **will protect the privacy of an individual** where required. If the Registrant of a domain name is an individual, the WHOIS service could **disclose only limited information on the Registrant**. If the Registrant wishes to disclose more information, he can instruct the Registrar to update the corresponding contact object in the Registry database [...] the WHOIS service could omit the Registrant details and refer the initiator of the query to the web-based WHOIS where the WHOIS data will be disclosed in a multiple-step process. »

Furthermore, Section 18(b) 5. States:

The purpose of the MED gTLD is to establish a stronger **trust between patients** and health care providers on the Internet. It is then essential to first protect the interests of the patients by setting up **unambiguous registration rules and give a full transparency on registrant identity**:

- « No anonymous records will be allowed;
- Registrants must provide their full professional address and phone number verified records, reflected in the WHOIS, will include the Registrant's occupation, specialization, license ID, and the name of the issuing authority;
- Furthermore, these records will include academic, honorific and military titles;
- optional information: year of establishing, year of main diploma, university, another diploma recognized by the practitioner's regulation board;
- The WHOIS will expressly mention the last date on which the registrant's information has been **verified by the Registry Operator**; and
- Other domain names owned by the registrant will be available by request on the Medical Clearinghouse.

This information is available with a free access to the WHOIS from port 43, the WHOIS service on the registry platform website and on the Medical Clearinghouse website equipped with domain name and registrant search engines.

This information is 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. »

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

As members of the ICANN Board are fully aware, the new and updated Registrar Accreditation Agreement ("RAA") that will govern the relationships between the Registry operators and Registrars have not been finalized as it is still open for comments¹¹. As a result, it is difficult for Hexap to specifically address what this document may or may not allow the Registry to require of Registrars.

However, through its sister company "SmallRegistry.net", Hexap has already a long-standing relationship since 2009 with 158 different Registrars on which it has contractually imposed its strict AUP for medical subdomains such as medecin.fr and chirurgiens-dentistes.fr. SmallRegistry's existing RAA is attached as Exhibit 2 for reference but the following statements in Section VII. B2 of this document¹² show that Hexap has no problem with the spirit of this GAC's Safeguard:

« The Registrar commits to have the Registrant abide by any legal, regulatory or contractual obligation in force at the time of any particular request from the Registrant, as well as by any and all policy, process, methodology or term of use set in place by the Registry that the Registrar shall pass on to the Registrant from time to time. »

¹¹ <http://www.icann.org/en/news/public-comment/proposed-raa-07mar13-en.htm>

¹² Translated from « Le Bureau d'enregistrement veille au respect par ses Clients de l'ensemble des dispositions légales et réglementaires de la ou des Charte(s) de Nommage dans leur version en vigueur au jour de la demande d'un acte d'administration, ainsi que de l'ensemble des politiques, procédures, méthodologies ou conditions d'utilisation définies par la société PROMOPIXEL et répercute auprès d'eux leurs mises à jour successives ».

Moreover, Hexap's intent is clear and unambiguous from our Application. Our domain lifecycle, as defined in Section 27 clearly puts emphasis on the essential role of the Registrar which will be **interfaced with the Medical Clearinghouse** and thus granted the necessary tools and accesses by Hexap in order to ensure the AUP is upheld. Specifically, Section 29 mentions such tools as follows:

*« In order to prevent abusive domain name registrations in the applied-for TLD, various steps in the domain name lifecycle will be controlled by HEXAP. In order to enable HEXAP to do this, it will provide access to **a control panel ("portal")** [...] »*

By way of this portal, these users can exercise at any time control over the applied-for TLD and any and all domain names registered in this extension, and in particular:

1) validate on an ongoing basis the registrant's eligibility and user rights in order to register domain names in the applied-for TLD;

2) validate whether a (about to be) registered domain name in the applied-for TLD corresponds to the naming conventions that will be established by the Registry Operator for domain names registered in the applied-for TLD;

3) validate contact information associated with registered domain names, in particular these contacts who can exercise control over the domain name itself, the name servers associated with such domain name, etc.;

4) validate specific commands, including to create, update and delete commands;

5) approve for some or all domain names any transfer or trade requests, or intervene in the execution of such requests where HEXAP suspects that such transfer or trade requests are initiated in bad faith; »

Additionally, Section 23, §2.4 states:

« When a domain name is registered, the Registrant must provide the Registrar of the domain name with valid and up-to-date contact information. »

3. Registry operators will require 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 and recognized industry standards.

As a Registry, Hexap will manage and control domain names, not the content attached to them nor the way the sites are managed and relevant data is protected. As ICANN itself states in its "What does ICANN do?" official page: **ICANN doesn't control content on the Internet**¹³ and Registries have long abided by this core principle¹⁴. Obviously, should this principle evolve in the then-final Registry

¹³ <http://www.icann.org/en/about/participate/what>

¹⁴ See for example the .Com Agreement (<http://www.icann.org/en/about/agreements/registries/com/agreement-01dec12-en.htm>) as well as ICANN's Consensus Policies (<http://www.icann.org/en/resources/registrars/consensus-policies>) that are both silent on any kind of content regulation.

Agreement to be signed between Hexap and ICANN, Hexap will readily set-up the necessary tools to meet its requirements. Moreover, due to Hexap's Community status, this should prove easier than for other Top Level Domains.

Indeed, Because Hexap's .MED is a community application, only strictly defined members of this community will ever be entitled to become "Registrants" in the Extension. The list of potential Registrants is attached as Exhibit 3 of this document.

All of these Registrants have in common to abide by superior sets of rules which, among others, include requirements such as Safeguard #3. By way of example, the French Medical Order states, in its white paper on Medical Deontology on the Internet¹⁵ :

« MDs have a duty to protect confidentiality and data privacy of their patients, be it in the presentation of clinical cases or in the description of their professional activity in a website or a blog¹⁶. »

By way of example, Registrants in the .MED Top Level Domain who practitioners licensed in France have to abide by the strict Public Health Medical Code, whose Section L110-4 states "Anyone using the services of a medical practitioner [...] is entitled to the respect of its privacy and the secrecy of its personal health data. Such secrecy covers the entirety of the data [...] **such secrecy covers all data pertaining to the patient to which the practitioner would have had access to**".

Additionally, Section R110-1¹⁷ states that:

« Storage of sensitive medical data by any health professional [...] is subject to the rulings established by the Minister of health. Such rulings establish the security measures necessary to the storage and transmission of sensitive medical data as well as the adequate level of security.

The rulings describe:

- Security measures for hardware, facilities and backup
- Identification measures necessary to limit access to the data the right users
- Control of identification measures and traceability of access to medical information
- In case of transmission between professionals, measures to ensure confidentiality of the exchanged data, including by way of cryptography. »

Members of the Board will appreciate that the above already describe **reasonable and appropriate security measures** that .MED's Registrants **have to implement, even**

¹⁵ See <http://www.conseil-national.Medecin.Fr/article/livre-blanc-deontologie-medicale-sur-le-web-1153> (in French)

¹⁶ Les médecins ont le devoir de protéger la confidentialité des données leurs patients, que ce soit dans la présentation de cas cliniques ou dans l'évocation de leur activité professionnelle via des billets ou chroniques.

¹⁷ See, in French: <http://www.legifrance.gouv.fr/affichCodeArticle.do?cidTexte=LEGITEXT000006072665&idArticle=LEGIARTI000006908123&dateTexte=20120611>

outside of the .MED Top Level Domain. It stands to reason therefore that .MED Registrants will abide by the same rules when registering in the .MED Top Level Domain.

The fact that "offline rules" already have to be observed online by practitioners is also demonstrated by a recent French Supreme Court case, attached as Exhibit 4. It states notably:

Since Sections R 4127-216 to R 4127-219 of the Health code specify the data that the practitioner can display publicly [...] use of an Internet web site is subject to the same principles and prohibition thereof¹⁸.

Following this court case, Hexap's team showed its will to cooperate with the public authorities by distributing a specific notice to all Registrants in the "medecins.fr" domain reminding them of their duties and obligations with regards to the use and display of data on the Internet.

Such actions are in line with Section 18(b) of our application which underlines:

« By restricting the registrants to licensed practitioners and health care entities, the .MED TLD has therefore the potential to become the domain in which quality information with respect to health care can be found, and reliable (contact) information with respect to domain name registrants/health care practitioners can be retrieved. »

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

As explained above, Hexap already enjoys long-standing relationships with several regulatory or industry self-regulatory bodies. Exhibit 5 shows the list of Hexap's supporters, among which the French "Conseil National de l'Ordre des Médecins" ("CNOM"), the International Dental Federation ("FDI"), the French Order of Midwives... and many others, such as the UFSBD which is a Collaborating of the World Health Organization.

Hexap has also set up its **scientific council**¹⁹ for the very purpose to allow legitimate voices in the industry to help shape various .MED policies and mitigate the risks of illegal activities.

As mentioned in §5 of Section 18(a) of our application:

*« Registrants must provide their full professional address and phone number verified records, reflected in the WHOIS, will include the registrant's occupation, specialization, license ID, and the **name of the issuing authority**; furthermore, these records will include academic, honorific and military titles;*

¹⁸ Translated from « Considérant qu'aux termes des [...] articles R. 4127-216 à R. 4127-219 du code [de la santé publique] précisent les indications que le chirurgien-dentiste est autorisé à faire figurer sur ses imprimés professionnels [...] ; que [le] site internet [...] ne saurait, sans enfreindre les dispositions précitées de ce code et les principes qui les inspirent, constituer un élément de publicité et de valorisation personnelles du praticien et de son cabinet » ;

¹⁹ See <http://aboutdotmed.com/community/>

Optional information: year of establishing, year of main diploma, university, another diploma recognized by the practitioner's regulation board; the WHOIS will expressly mention the last date on which the registrant's information has been verified by Hexap; and other domain names owned by the registrant will be available by request on the Medical Clearinghouse.

[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 a result, establishing relationships such as the ones recommended in Safeguard #4 will not be an issue for Hexap.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

Hexap full agrees with the spirit of this Safeguard #5, to the point where §6 of Section 29 of our Application already mentions that Hexap will provide a **single point of contact** for complaints concerning every abuse.

« COMPLAINTS POINT OF CONTACT

As is the case for various other processes and proceedings whereby third parties' interests can be harmed, the Complaints Point of Contact that will be put in place by HEXAP will also here play a pivotal role.

*Any party claiming that his trademark(s) are infringed due to the registration and use of a domain name in the applied-for TLD is able to file a complaint before the **Complaints Point of Contact** of HEXAP. Filing these complaints will be free of charge. The Complaints Point of Contact will generally provide a written response or even resolution of the matter within 5-10 business days following the receipt of the complaint.*

Within this timeframe, the Complaints Point of Contact will investigate the complaint, and carry out ex officio investigations. As mentioned previously, the Complaints Point of Contact is entitled to suspend domain name registrations, delete name servers associated with infringing domain name registrations, or even outright revoke and block domain names from further registration if the Complaints Point of Contact is of the opinion that such a domain name potentially infringes the rights of a third party, that no legitimate use is being made by the registrant of such domain name, and that there is bad faith involved.

It is the true desire of HEXAP to have potential issues resolved by the Complaints Point of Contact. Therefore costly litigation can be avoided and issues resolved amicably. »

Parallel to these procedures, the registration policies described in §4 of Section 20 (e) states that « 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.». Thus, Hexap will install a Complaints Point of Contact dedicated to authorities willing to report an abuse.

With such a choice, Hexap thus seems to **go even further than this Safeguard #5** since the Registry itself will be the first entity receiving word of any complaint or abuse reports. It would therefore be easy to adapt .MED's AUP in order to require such a point of contact from the Registrant itself.

Indeed, since Hexap is a so-called "thick" Registry, the registrant must specify and keep up-to-date three different types of contacts: the admin contact ("Admin-C"), or the billing contact ("Bill-C") or the technical contact ("Tech-C"). It would therefore be extremely easy to have the registrant select one of these as the required *Single Point of Contact*.

As for "the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business", thanks to Hexap's MCH every registrant has to specify to which industry or public authority they have been accredited with. As explained above, §2 of Section 20(a) of Hexap's application states:

*« MED is a comprehensive zone that includes all licensed professionals with specific rules per country. These health professionals are not only limited to physicians and doctors but include a wide although limited range of health providers and stakeholders. Thus, a list of eligible registrants has been determined for the .MED TLD, which takes into account **regional particularities, legal specifications and licensing procedures, and considers different national regulations regarding some medical practices.** »*

Additionally, Section 20(c) of Hexap's application states:

« Eligible registrants include the following:

- *practitioners: Qualified health and health associate professionals as defined in Q20a. Must provide a **license identification from the relevant health Agency, Board, Council, Order or College.** »*

While, §4 of Section 18(b) adds:

*« If the registrant is a practitioner, he or she must certify that he or she is a health care professional who is **licensed to practice in the country** where he purports to be working. Any such information will need to be reported to the Medical Clearinghouse and must be **kept up-to-date** at all times throughout the lifecycle of the domain name. »*

This is completed by Section 20(e) of Hexap's application states:

*« **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.** »*

As a result, "the relevant regulatory, or industry self-regulatory" will be provided with each registration and extremely easy to contact through the MCH.

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

As explained above, this Safeguard #6 is addressed by Hexap's Med Clearinghouse. As defined in §2 of Section 18 (b) of the application, the Medical Clearinghouse will offer the following services:

- *Mandatory professional identification*: any new registrant creating a domain name will have to **prove its profession, occupation and/or professional qualifications**;
- *Continuous license checking*: every domain name renewal **will be subject to an automatic re-verification of the registrant's credentials**, similar to the verification set out above; any registrant who has lost its accreditation, license, or professional accreditation will consequently also **not be entitled to renew its domain name registration**;
- *Professional account credential provider* for third party authentication: using a single combination of email and password, .MED domain name registrant will be able to be authenticated on websites and devices granted by the Registry Operator. This single sign-in service will benefit:
 - .MED domain name registrants being identified as a health care provider without sharing their logins and passwords; and
 - Companies willing to identify a health care provider upon sign-up on their websites and devices, by connecting to the Medical Clearinghouse.
- *Advanced WHOIS web interface*: the WHOIS data will be complemented with a full description of the domain owner's health care license, and made available to Internet users (however always bearing in mind that privacy restrictions may apply);
- In order to increase visibility of the .MED TLD and its domain name registrants, the Applicant *will also distribute SSL certificates* and deliver seals of authenticity for web publishers, in addition to the default DNSSEC implementation. These certificates intend to reinforce the security and safety aspects of .MED.

Additionally, §2 of Section 20 (e) of our .MED Application states:

« In order to register a domain name, the candidate registrant must certify that he or she is a health-care professional who is licensed to practice in the country where he purports to be working. Any such information will need to be reported to the Medical Clearinghouse, operated by HEXAP, and must be kept up-to-date at all times throughout the lifecycle of the domain name. »

Verification of the credentials can be done at any time through the Medical Clearinghouse and Registrants do have to agree to the AUP at the time of registration where they would expressly guarantee holding the necessary credentials to be part of the Medical sector and be entitled to a .MED domain name.

Therefore, although the .MED application currently states that "Any credential and valid evidence of eligibility will be only requested by the Medical Clearinghouse after the domain name has been registered" however, should the Board require Hexap to implement this Safeguard #5, such check could easily be implemented at the time

of registration.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

In order to avoid any such doubt on license or credentials, regular checks shall be performed and Hexap agrees that the "national supervisory authorities or their equivalents" are best placed to assess the result. Mechanisms are already in place to allow for such authorities to be consulted since §5 of Section 18 (b) of our Application sates:

*« This information is 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.** »*

Moreover, §2 of Section 20 (a) adds that "the Medical Clearinghouse is supervised by HEXAP's scientific council, which is consulted for providing guidelines with the help of relevant stakeholders in matters of ethics, lack of local regulation or **if a questionable domain name registration occurs**".

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

This Safeguard #8 is specifically addressed by Hexap's Medical Clearinghouse. As already mentioned, §2 of Section 18 (b) explains that:

*« [Medical Clearinghouse will be used for] continuous license checking: every domain name renewal will be subject to an **automatic re-verification of the registrant's credentials**, similar to the verification set out above; any registrant who has lost its license, or professional accreditation will consequently **also not be entitled to renew its domain name registration.** »*

While §2 (Eligibility) of Section 20 adds:

*« In order to register a domain name, the candidate registrant must certify that he or she is a health-care professional who is licensed to practice in the country where he purports to be working. Any such information will need to be reported to the Medical Clearinghouse, operated by HEXAP, **and must be kept up-to-date at all times throughout the lifecycle of the domain name.** »*

III. Safeguards applicable to all New gTLDs

The Government Advisory Committee suggested the specific and more stringent safeguards above due to the specific consumer-oriented nature of some Top Level Domains such as .MED. Being compliant with the above, Hexap will not go into such detail with regards to the more lenient and sometimes redundant Safeguards applicable to all New gTLDs but still wishes to address them briefly as follows.

1. WHOIS verification and checks

Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

As already pointed out above, Hexap strongly believes that accurate whois data is essential not only to the proper operation of the Top Level Domain but also – and more importantly – to consumer confidence. §4 of Section 18(b) as well as §2 of **Section 20(e)** of our application deal with the monitoring and checks of the whois data thanks to the Med Clearinghouse.

2. Mitigating abusive activity

Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

As already pointed out above, .MED wishes to be a trustworthy source of information for patients, which means **abuse mitigation is at the core of our application**, as notably evidenced by §3 of **Section 20(e)**:

« *HEXAP intends to establish domain name registration policies and acceptable use policies that will allow HEXAP to put domain names on hold or even revoke any such names if and to the extent they are:*

- *defamatory or are being used for defamatory purposes;*
- *harming the reputation and good name of the .MED TLD, or are used for these purposes;*
- *are infringing trademark or other intellectual property rights of third parties;*
- *etc.*

When registering a domain name, the registrant must acknowledge that complaints can be filed with the Registry Operator or Medical Clearinghouse various reasons, including but not limited to a breach of the eligibility requirements, if the information of the registrant is inaccurate no longer up-to-date, non-compliance with the Registry Operator's policies, trademark infringement, impersonation, illegal activities, etc.

Furthermore, the registrant must acknowledge that any supervising authority will be entitled to request the Registry Operator to suspend a domain name such a domain name is used in an illegal manner, or if the registrant no longer meets the eligibility requirements. »

3. Security checks

While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

On top of **Sections 18(b) and 18(c)** already mentioned above, this question is also addressed in **Section 28** of our application:

« HEXAP commits to implementing the preventive and curative measures described in the following paragraphs, in order to ensure that the applied-for TLD is operated in a responsible manner:

- o Control*
- o Reporting*
- o Anti-abuse policy*
- o Monitoring*
- o Prevention of orphan glue*
- o Whois accuracy checks*

The Registry backend service provider, appointed by HEXAP, will put in place certain tools and methodologies in order to proactively screen for malicious conduct. Such tools include scanners that automatically scan for viruses or other forms of malware on all services deployed under applied-for domain. These tools will operate in the background, and will not affect the functioning of the applied-for TLD. »

Security risks at a technical level are also addressed in Section 23 of the application:

Diverse audit trails of all activities across software, hardware, staff, building access to ensure the security of our systems, are provided. A penalty system ensures Registrars cannot flood the Registry Platform with invalid requests, which would potentially degrade the system's performance. New connections (SYN packets) are limited on the domain name's edge routers to minimize the impact of Denial of Service (DOS) and Distributed Denial of Service (DDOS) attacks. The system is furtherprotected with a redundant intrusion detection/intrusion prevention system to exercise deep packet inspection and block risks on SQL-injection and cross site scripting.

4. Documentation

Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these

reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

As already mentioned, accuracy of WHOIS records is dealt with in §5 of **Section 18(a)** of our application. As for security threats, item "Monitoring" in **Section 28** gives relevant information:

« Also, the Registry Operator will obtain access to reports generated by its back-end registry services provider, which reports include:

- number of DNS queries for each particular domain name registration;*
- number of new domain names registered;*
- number of new contacts created;*
- etc.*

If any suspicious activity is being detected following analysis of these reports, the Registry Operator will thoroughly investigate the matter and take appropriate action where required. »

5. Making and Handling Complaints

Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

As discussed above, §4 of **Section 28** discusses the "Complaints Point of Contact" which is part of Hexap's extensive Anti-Abuse Policy. Moreover, §4 of **Section 18(b)** states:

« When registering a domain name, the registrant must acknowledge that complaints can be filed with the Registry Operator or Medical Clearinghouse for various reasons, including but not limited to a breach of the eligibility requirements, if the information of the registrant is inaccurate or no longer up-to-date, non-compliance with the Registry Operator's policies, trademark infringement, impersonation, illegal activities, etc.

Furthermore, the registrant must acknowledge that any supervising authority will be entitled to request the Registry Operator to suspend a domain name if such a domain name is used in an illegal manner, or if the registrant no longer meets the eligibility requirements. »

6. Consequences

Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Adverse consequences for Registrants that would violate applicable laws or policies are specified in §3 of **Section 20(e)**:

« The registrant must acknowledge that any supervising authority will be entitled to request the Registry Operator to suspend a domain name such a domain name is used in an illegal manner, or if the registrant no longer meets the eligibility requirements. »

This is completed by §3 of **Section 29**:

« In addition to monitor any domain names registered under the applied-for TLD and the use that is made of such domain names, the Registry will - in accordance with its domain name registration policies - at all times be entitled to intervene if any such activities have been detected.

Measures that can be taken to include the suspension, revocation and blocking of any domain name registration and, in general, take any action necessary in order to limit or outright avoid any harm being done to the interests and reputation of third parties, the Registry Operator and its eligible registrants. »

IV. Conclusion: Community-driven and sensible. Hexap is ready to listen to the Board and the GAC

In closing, we wish to commend the GAC for recognizing that there is more to a Top Level Domain application than its string and that some “categories of strings” demand certain safeguards.

Indeed, Hexap fully understands the risks currently existing for patients trying to inform themselves on the “.com” Internet. Our “.MED” application has been specifically devised to provide an organized alternative and a workable solution to which all public and private health stakeholders will be able to contribute. As is apparent in this document, Hexap has based its own work on these principles and has long endeavoured to develop adequate protections to ensure that .MED will be a safe and trustworthy namespace.

Moreover, as practitioners themselves, Hexap’s founders have made a point to develop “registry policies in line with arrangements in place offline” to quote the GAC²⁰. Contrary to other applicants, Hexap strongly believes that specific responsibilities should come with being entrusted with the .MED Top Level Domain and is ready to steward the extension in accordance with the applicable legal and industry regulations.

To that end, having respectfully submitted this document as a comment to the received GAC advice, we wish to stress that the application was specifically devised to continuously welcome outside input. Internally from our supporters and our scientific council, but also externally from the “offline” authorities such as the relevant medical boards and of course from ICANN and its Government Advisory Committee.

Hexap is therefore looking forward to the next step of the process that will bring it closer to operate the .MED extension in the best possible way for patients, practitioners and ultimately Internet users at large.

²⁰ GAC Beijing Communique p. 10

HEXAP.



EXHIBIT 1



New gTLD Application Submitted to ICANN by: HEXAP SAS

String: med

Originally Posted: 13 June 2012

Application ID: 1-1192-28569

Applicant Information

1. Full legal name

HEXAP SAS

2. Address of the principal place of business

10 rue de la Paix
Paris 75002
FR

3. Phone number

+33 613 179 098

4. Fax number

+33 957 843 489

5. If applicable, website or URL

<http://www.hexap.com>

Primary Contact

6(a). Name

Mr. Jerome Lipowicz

6(b). Title

CTO

6(c). Address

6(d). Phone Number

+33 613 179 098

6(e). Fax Number

6(f). Email Address

office@hexap.com

Secondary Contact

7(a). Name

Ms. Daniele Laubie

7(b). Title

President

7(c). Address

7(d). Phone Number

+33 622 840 376

7(e). Fax Number

7(f). Email Address

laubie@hexap.com

Proof of Legal Establishment

8(a). Legal form of the Applicant

SOCIETE PAR ACTIONS SIMPLIFIEES

8(b). State the specific national or other jurisdiction that defines the type of entity identified in 8(a).

Articles L227-1 to L227-20 and L244-1 to L244-4 of French Code de Commerce

8(c). Attach evidence of the applicant's establishment.

Attachments are not displayed on this form.

9(a). If applying company is publicly traded, provide the exchange and symbol.

9(b). If the applying entity is a subsidiary, provide the parent company.

9(c). If the applying entity is a joint venture, list all joint venture partners.

Applicant Background

11(a). Name(s) and position(s) of all directors

Daniele LAUBIE	President
----------------	-----------

11(b). Name(s) and position(s) of all officers and partners

Jerome LIPOWICZ	CTO
Joseph LIPOWICZ	Chairman

11(c). Name(s) and position(s) of all shareholders holding at least 15% of shares

AB SURGERY	Not Applicable
Jerome LIPOWICZ	CTO
Joseph LIPOWICZ	Chairman

11(d). For an applying entity that does not have directors, officers, partners, or shareholders: Name(s) and position(s) of all individuals having legal or executive responsibility

Applied-for gTLD string

13. Provide the applied-for gTLD string. If an IDN, provide the U-label.

med

14(a). If an IDN, provide the A-label (beginning with "xn--").

14(b). If an IDN, provide the meaning or restatement of the string in English, that is, a description of the literal meaning of the string in the opinion of the applicant.

14(c). If an IDN, provide the language of the label (in English).

14(c). If an IDN, provide the language of the label (as referenced by ISO-639-1).

14(d). If an IDN, provide the script of the label (in English).

14(d). If an IDN, provide the script of the label (as referenced by ISO 15924).

14(e). If an IDN, list all code points contained in the U-label according to Unicode form.

15(a). If an IDN, Attach IDN Tables for the proposed registry.

Attachments are not displayed on this form.

15(b). Describe the process used for development of the IDN tables submitted, including consultations and sources used.

15(c). List any variant strings to the applied-for gTLD string according to the relevant IDN tables.

16. Describe the applicant's efforts to ensure that there are no known operational or rendering problems concerning the applied-for gTLD string. If such issues are known, describe steps that will be taken to mitigate these issues in software and other applications.

As the .MED gTLD is depicted in US-ASCII < Standard Latin Script only, no particular operational or rendering issues are to be expected.

As is the case with any new TLD that is added to the DNS root zone, some general technical acceptance issues with the delegation of this TLD are expected. The back-end registry services provider selected by the Applicant has a significant experience in introducing TLDs to the DNS root, including previous launches of .eu, .be and recently the .sx ccTLD.

The following tests have been carried out in order to review whether the .MED TLD presented any operational or rendering issues. This included the deployment of a testing infrastructure that operated:

- an SRS for the .MED TLD of which the features have been limited to what was strictly necessary to carry out the tests described below;
- a WHOIS system, displaying domain names registered in the test environment of the .MED registry;
- an EPP and web interface for registrars;
- a DNS system, serving authoritative responses for the .MED TLD;
- a web server on which different basic websites were deployed; and
- an email server with mailboxes linked to various test domain names registered in the TLD and entered into a limited zone file which was made available through the DNS system referred to above.

The following integration tests have been carried out, by connecting various clients to the infrastructure described above:

- logging into the .MED SRS with a registrar account – using both EPP and Web interfaces;
- perform basic transactions (create, update, delete, transfer, allocate name servers, etc.) with this registrar test account;
- generation of a test-zone file for this TLD;
- navigation to and within websites using both direct navigation to the respective domain names and navigation through hyperlinks displayed on the web sites that were hosted in the testing environment;

- sending WHOIS queries to and receiving answers from port 43 in the testing environment;
- sending email messages to and receiving email messages from domain names registered in the TLD's testing environment.

Within each of the above steps, the Applicant and its selected back-end registry operator reviewed:

- whether registrar transactions with respect to these domain names were performed successfully;
- whether the zone file was correctly generated and deployed in the DNS of the test environment;
- whether domain names registered in the TLD displayed correctly in browser address bars and email clients; and
- whether email filters, spam detectors, etc. were correctly functioning.

Using the most common web browsers, email, SSH clients, etc., these tests have been carried out successfully. Therefore, to the Applicant's best knowledge and belief, no specific issues are to be expected as regards the operation and rendering of the .MED gTLD.

17. (OPTIONAL) Provide a representation of the label according to the International Phonetic Alphabet (<http://www.langsci.ucl.ac.uk/ipa/>).

Mission/Purpose

18(a). Describe the mission/purpose of your proposed gTLD.

For over 15 years, workgroups and commenters have been seeking ways to provide reliable medical information on and, where allowed, offer genuine healthcare products over the Internet, and this for the benefit of patients all over the world. Indisputably, a lot of health-related information currently available on the Internet is sometimes completely inaccurate, because it has been posted by individuals who are not qualified or entitled to practice healthcare-related services, like doctors, surgeons, life scientists, etc.

Up to now, no clear, structured and universally accepted methods have been found in order to effectuate these goals.

HEXAP's mission and purpose for the .MED gTLD are threefold:

- (1) federate certified and licensed practitioners in the health care sector under a clear, common, and easy to remember identifier on the Internet;
- (2) provide stakeholders within the health care sector with a platform on which they can disseminate information in relation to medical topics, and offer products and services to businesses, consumers and, more in particular, patients;
- (3) provide Internet users in general, looking for genuine and reliable

medical information, products and services with a clear and unambiguous identifier which provides them access to such information.

HEXAP is a limited liability company that has been founded by health care professionals. Bowing on its unparalleled experience in providing Internet-based solutions for the health care sector, HEXAP intends the .MED extension to be a community-based gTLD, for which it has obtained the supported from various organizations representing many sectors, sub-sectors and branches of the health care industry. This shows that there is a clear demand for a centralized platform for quality health care information.

A list of organizations, companies and individuals that are endorsing this initiative is detailed in our response to Question 20.

The missions of the .MED gTLD are the international transpositions of what HEXAP founders have achieved these last years in collaboration with the French medical Colleges with respect of their ethical codes.

Therefore, the .MED gTLD purports to be:

- an exclusive namespace where registrations are only open to licensed health care professionals and with eligibility rules;
- a new zone protected by colleagues who validate the authenticity and qualifications of registrants; and
- an application serving patients' interests with unambiguous and verified contact details of the licensed health care WHOIS service providing professional details on registrants.

18(b). How do you expect that your proposed gTLD will benefit registrants, Internet users, and others?

Currently, a lot of information with respect to health care, health issues, pharmaceutical products, methods, etc. can be found on the Internet. Absent any specific oversight over this information or the individuals, organizations and companies that make such information available, this clearly poses a number of risks for individuals who are looking for health-related information.

For more than a decade, various national and international organizations, have pointed on various occasions to risks relating to medical information and products provided < distributed over the Internet, self-medication, etc.

The .MED gTLD intends to be the top-level domain in which professionals from the health care industry will be entitled to register domain names in view of protecting the interests of consumers < patients. Although the Applicant -when awarded the .MED gTLD by ICANN- will not review the information provided by registrants under .MED domain names, it will review the qualifications and licenses of registrants in order to ensure that at least the source of such information can be considered reliable.

By restricting the registrants to licensed practitioners and health care entities, the .MED TLD has therefore the potential to become the domain in which quality information with respect to health care can be found, and reliable (contact) information with respect to domain name registrants < health care practitioners can be retrieved.

This model has been successfully implemented by HEXAP's sister company, PROMOPIXEL, which has secured more than 2,100 sector-based domain name registrations up to today in the following three second level domain names :

- chirurgiens-dentistes.fr (targeted at dental surgeons)
- pharmacien.fr (targeted at pharmacists)
- medecin.fr (targeted at physicians)

These three zones are regulated by specific policies that include legal elements from the French Codes of Medical Practice.

This successful cooperation with the 3 French medical, dental and pharmaceutical Orders lead our team to propose a community-based gTLD, operated under the highest ethical standards. This initiative is supported by both medical authorities and practitioners, and piloted by HEXAP founders, some of which have sworn by the Hippocratic Oath, which sets the duties of qualified professionals in their relation with patients and respect for colleagues.

The .MED gTLD will thus give benefits to:

- medical professionals (i.e., members of the ".MED Community") who would like to become a registrant in the .MED TLD;
- Internet users in general who are looking for genuine health care related information, products or services from reliable sources, being recognized professionals that are entitled to practice medicine or other health care related professions; and
- patients seeking to exchange information in a secure environment: in addition to DNSSEC, internet users will be able to check on .MED WHOIS services various verified information regarding the registrant occupation (license id, professional address, diplomas).

1. SERVICE LEVELS

The .MED gTLD proposes a new safe namespace for the medical community, maintained by recognized and licensed practitioners in the health care sector. It is supported by various organizations and will be monitored by national and international stakeholders with whom the Applicant, its sister company (PROMOPIXEL) and their respective founders are working with for several years.

It is therefore a TLD for the medical professions, managed and controlled by medical practitioners.

In terms of service levels, HEXAP will ensure a quality application dedicated to health care professionals using combined 20 years experience in medical publishing and 3 years experience in registry operating:

- legal issues regarding medical practicing;
- medical information publishing on the Internet with regional scopes;
- establishing relationships with health care providers and stakeholders;
- guiding colleagues on the Internet for good medical practices;
- ethics on the web;
- helping the patients finding a practitioner with a neutral attitude; and
- helping colleagues in finding a registrar with no discrimination.

HEXAP's application is guided by the sense of ethics that HEXAP's founders have consistently demonstrated in their business dealings, and reinforced by the technical expertise renowned for partners and clients. Furthermore,

HEXAP's founders are medical practitioners who are unaffiliated with any medical or pharmaceutical company or organization. This continuous commitment guarantees that the .MED TLD will be operating independently from influences from industry.

2. INNOVATION

As of today, except in France for physicians, dentists and pharmacists, there is no opportunity for a health care provider to register a domain name at second or third level under a regulatory framework defined by Medical Colleges or Boards. While some ccTLDs do offer third level domain names for physicians (Brazil, Comoros, Ecuador, Estonia, Haiti, Libya, Oman, Panama, Saudi Arabia, Sudan and Vietnam), none of these are currently supervised by any representative health authority. Some of them do not even require a proof of license of registrants, or are only carrying out limited and random identification clearances. Most of these second level name spaces are also restricted to physicians only. None of them offers the possibility for any Internet user to check the registrant professional credentials.

The .MED gTLD establishes a relationship of trust with patients by setting up a highly monitored namespace, handled by HEXAP's Medical Clearinghouse. This specific clearinghouse is an advanced tool derived from our smallregistry.net clearance engine that is used on a daily basis by French Colleges and regulating authorities during the past 3 years.

The Medical Clearinghouse will offer the following services, which certainly sets apart the .MED gTLD from any other TLD currently available in the DNS:

- mandatory professional identification: any new registrant creating a domain name will have to prove its profession, occupation and/or professional qualifications (see life cycle description in our answer to Question 27);
- continuous license checking: every domain name renewal will be subject to an automatic re-verification of the registrant's credentials, similar to the verification set out above; any registrant who has lost its accreditation, license, or professional accreditation will consequently also not be entitled to renew its domain name registration (see our answer to Question 20);
- professional account credential provider for third party authentication: using a single combination of email and password, .MED domain name registrant will be able to be authenticated on websites and devices granted by the Registry Operator. This single sign-in service will benefit:
 - * .MED domain name registrants being identified as a health care provider without sharing their logins and passwords; and
 - * companies willing to identify health care provider upon sign-up on their websites and devices, by connecting to the Medical Clearinghouse. This implemented service is using OAuth, an open protocol to allow secure authentication in a simple and standard method for desktop or web application, mobile phones and living room devices. This protocol is already widely used by developers who are working with various major service providers (Facebook, Twitter, Google, Microsoft, LinkedIn, MySpace, Yahoo, Netflix, etc.). It is a safe way for any service provider to give clearance to authenticated and verified practitioners who allow to share limited, revocable and non-critical information with the service provider. This service will be free for every registered developer.

- Advanced WHOIS web interface: the WHOIS data will be complemented with a full description of the domain owner's health care license, and made available to Internet users (however always bearing in mind that privacy restrictions may apply);
- In order to increase visibility of the .MED TLD and its domain name registrants, the Applicant will also distribute SSL certificates and deliver seals of authenticity for web publishers, in addition to the default DNSSEC implementation. These certificates intend to reinforce the security and safety aspects of .MED.

All these processes, tools and technologies are aimed at establishing a unique relationship of trust between, on the one hand, domain name registrants in .MED and, on the other hand, Internet users at large.

In this respect, .MED is all about offering safety, security, transparency and oversight for the benefit of the patients.

3. USER EXPERIENCE

The user experience of the .MED gTLD will be entirely different from any TLD that is currently on the market, considering the combination of the following features:

- .MED is a short string, easy to write and remember;
- it is understandable in over 70 languages as an abbreviation or the first characters of the word "medicine" in English, Spanish, French, Italian, German, Portuguese, Spanish, etc.;
- a new semantic and meaningful namespace with a high chance of search engine optimization value;
- the .MED policies will be focused on serving the best interests of patients: a web search that resolves in a .MED domain name should provide genuine information regarding health and health care;
- increase the visibility of a .MED registrant by making use of the Medical Clearinghouse: by way of this tool, the registry will capture and verify the following information from a registrant: profession, specialization, professional address, as well as public information relating to the registrant's qualifications and licenses. All this information will be made public through the WHOIS interface, the SSL certificate and seals to be displayed on the registrant website; and
- it will add to Health 2.0 initiatives, considering the fact that authentication of registrants is a cornerstone function of .MED. Because registrants are authenticated, patients' medical files can be exchanged with and between .MED registrants, respecting the confidentiality of such data, for example during a regulated telemedicine session; and a secure registration process with minimal impact on registrars and no specific proprietary EPP scheme for easier integration.

4. REGISTRATION POLICIES

The .MED registration policy is inspired by the principles reflected by the Hippocratic Oath, as well as Medical Good Practices established by various national and international organizations and institutions. These establish the obligation imposed upon the registrant to respect the interests of patients as well as the medical deontology.

Given the fact that the registration of domain names will be monitored at all times by the .MED Registry Operator, these principles will apply during the registration process, but also as regards the use the registrant is making of such domain name.

Eligible registrants must be part of the designed community and are classified under two categories:

- practitioners: these consist of licensed health professionals and health associate professionals only. Regional restrictions may apply for all professions as not all of these professions are recognized by local authorities. They are defined by the International Standard Classification of Occupations (ISCO), 2008 revision 8 (ISCO-08), which forms part of the international family of economic and social classifications of the United Nations and is mapped by the World Health Organization (http://www.who.int/hrh/statistics/workforce_statistics/en/index.html):

- * Generalist medical practitioners
- * Specialist medical practitioners
- * Nursing professionals
- * Midwifery professionals
- * Traditional and complementary medicine professionals
- * Paramedical practitioners
- * Dentists
- * Pharmacists
- * Environmental and occupational health and hygiene professionals
- * Physiotherapists
- * Dieticians and nutritionists
- * Audiologists and speech therapists
- * Optometrists and ophthalmic opticians, orthoptists
- * Chiropractors, Osteopaths

- entities:

- * Hospitals, health care facilities
- * Ambulances
- * Pharmacies
- * Medical laboratories
- * Schools, Universities
- * Pharmaceutical industries
- * Libraries
- * Scientific and Academic publishers
- * Public health journals
- * Boards, Orders, Colleges, Government related councils
- * Public administrations, ministries
- * Academies
- * Scientific organizations
- * Professional associations
- * Health care professionals unions

Conditions of qualification are made available in our response to Question 20c. However, this list is subject to change, which is mainly inspired and driven by changes implemented by the International Standard Classification of Occupations (ISCO) and changes in the law.

If the registrant is a practitioner, he or she must certify that he or she is a health care professional who is licensed to practice in the country where he purports to be working. Any such information will need to be reported to the Medical Clearinghouse and must be kept up-to-date at all times throughout the lifecycle of the domain name.

Any domain name registered in .MED must be used in the best interest of patients or other health care practitioners. Parking domain names will not be allowed.

Any registered domain name must also contain either an MX or an A, CNAME or AAA record in order to be able to use it and refer users to a website whose content is related to human health. Such website can but must not necessarily be a website under a .MED domain name.

The holder of a domain name is committed to serve and share information aimed at patients, always considering the best interests of patients, their dignity and privacy. Furthermore, 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.

The holder of a domain name undertakes to respect his peers, colleagues and competitors with whom he communicates by using the .MED platform.

When registering a domain name, the registrant must acknowledge that complaints can be filed with the Registry Operator or Medical Clearinghouse for various reasons, including but not limited to a breach of the eligibility requirements, if the information of the registrant is inaccurate or no longer up-to-date, non-compliance with the Registry Operator's policies, trademark infringement, impersonation, illegal activities, etc.

Furthermore, 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.

The domain name must be composed of 3 to 63 characters, case insensitive, alphanumeric characters and may consist of hyphens (however: a domain name cannot begin or end with a hyphen), and contain the name or the name of the holder, its brand, business identifier or company name. Eligible practitioners are entitled to include a prefix or suffix to their name, such as a civilian, military, academic or honorary title, specialization, degree, location where they are practicing medicine, etc.

As part of the landrush, the Registry Operator may release so-called "premium domain names" to any person or entity that meets the eligibility requirements, provided that:

- the use that is made of such domain name complies with the rules of good medical practice;
- the domain name chosen is consistent with the exercise or holder's name;
- the domain name will only be used for the benefit of patients; and
- the domain name cannot cause confusion about the profession of the registrant or its field of activities.

These rules of conduct continue to apply throughout the life cycle of the premium domain name.

5. PRIVACY

The purpose of the MED gTLD is to establish a stronger trust between patients and health care providers on the Internet. It is then essential to first protect the interests of the patients by setting up unambiguous registration rules and give a full transparency on registrant identity:

- no anonymous records will be allowed;

- registrants must provide their full professional address and phone number verified records, reflected in the WHOIS, will include the registrant's occupation, specialization, license ID, and the name of the issuing authority;
- furthermore, these records will include academic, honorific and military titles;
- optional information: year of establishing, year of main diploma, university, other diploma recognized by the practitioner's regulation board;
- the WHOIS will expressly mention the last date on which the registrant's information has been verified by the Registry Operator; and
- other domain names owned by the registrant will be available by request on the Medical Clearinghouse.

These information are available with a free access to the WHOIS from port 43, the WHOIS service on the registry platform website and on the Medical Clearinghouse website equipped with domain name and registrant search engines.

These information are checked for every domain name creation, renewal, transfer and trade. These 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.

6. COMMUNICATION

PROMOPIXEL, of which HEXAP is a spin-off company, has already entered into registry-registrar agreements with 7 ICANN accredited registrars and over 70 European registrars, and is hence already dealing with thousands of health care professionals;

HEXAP founders worked with over 12.000 entities and leading healthcare providers over these last 20 years, including but not limited to Councils, Medical Colleges, Academics, medical publishers, scientific organizations, medical suppliers, industries, web 2.0 communities, health care social media platforms, hospitals, and universities;

During the same period, HEXAP founders have established close relationships with specialized media and various medical journals in Europe and North America, which will present an attractive promotional and sales channel by publishing advertisements and information about the .MED gTLD.

18(c). What operating rules will you adopt to eliminate or minimize social costs?

OPERATING RULES OVERVIEW

In line with our mission statement and purpose for the .MED gTLD, it is important for us to ensure that social costs and operational problems or issues in relation to the .MED gTLD are minimized to the maximum extent possible.

First of all, the founders of HEXAP have built up a reputation as a leading and independent provider servicing the needs of the members of various medical professions and want to avoid the unduly exploitation of that reputation in the domain name space by third parties.

The protection mechanisms HEXAP intends to put in place do therefore not only extend to the actual registration, delegation and use of the TLD, but also to the domain names that are registered therein, and how these domain names are used.

In order to ensure that .MED will be and remain for the foreseeable future a reliable, trustworthy, safe and secure space, HEXAP will devise policies in that will contain clear guidelines and rules in relation to:

- the types of domain names that will be registered;
- who will be entitled to select which domain names will be registered;
- who will be entitled to register such domain names;
- who will be entitled to use such domain names; and
- which types of use of such domain names will be allowed or recommended.

As we believe that the development and implementation of one or more business cases could likely take a couple of months or even years, we have herein only focused on a number of high-level characteristics of our plans in relation to the operation of the .MED gTLD.

By all means, it is in HEXAP's vested interest to make the most of this initiative, promote the interests of its registrants (be it legal entities or individuals), and mitigate risks for the .MED gTLD, the reputation of HEXAP and its members, whilst also reducing the (social) costs for others.

The Medical Clearinghouse, which will be established by HEXAP, will play a pivotal role in this respect.

In this context, we will devise policies that encompass and comprise the following features:

1. LAUNCH PROCESS

The .MED start-up processes are made of three specific periods.

- **SUNRISE A:** this period will be focused on trademark holders only willing to put a domain on a «do-not-sell» list. This list will be handled by the Registry for a 10-years period (or for the entire term of the Registry Agreement). Requests will be verified by the Registry Operator using the Trademark Clearinghouse only.
- **SUNRISE B:** this period will be focused on trademark holders only, where contention between two parties holding an identical trademark for a particular string will be resolved by auction. Registrants must meet the eligibility requirements, thus requests will be verified by the Registry Operator using the Trademark Clearinghouse and the Medical Clearinghouse.
- **LANDRUSH:** this period will allow registration of "selected premium domain names" with an auction process. Registrants must meet the eligibility requirements, thus requests will be verified by the Registry Operator

using the Medical Clearinghouse.

Following the end of the .MED start-up process, registrations of domain names will be done on a first-come, first served basis.

Both during and after the Sunrise period, any and all domain name registration requests will be verified by the Registry Operator in order to guarantee their compliance with policies that have been set by the Registry Operator.

2. REGISTRATION COSTS

At this stage, no particular discounts have been foreseen. Nonetheless, HEXAP reserves the right to implement certain cost benefits for registrars, considering the additional complexities in dealing with verification processes handled by the Registry Operator only that will be implemented in order for potential registrants to register domain names in .MED.

3. REGISTRY AGREEMENT

Currently, HEXAP foresees to increase its prices with 5% annually; insofar and to the extent this price increase will be kept, this threshold will be included in the Registry-Registrar Agreement.

Furthermore, HEXAP envisages registering a fair number of generic words that are directly or indirectly related to the services and products offered to and the activities organized by the various members of HEXAP.

Prior to effectively registering such domain names in the .MED gTLD, HEXAP will require its legal and intellectual property department to review the list of these domain names on a regular basis in order to satisfy itself that they will not infringe the rights of third parties.

In any case, HEXAP will claim to have a legitimate interest in these domain names, as they are merely descriptive of the activities, products or services of HEXAP offered to its members. So even if one or more of these domain names would be protected by a registered trademark, held by a third party, it is likely that a claim under the Uniform Dispute Resolution Policy or Uniform Rapid Suspension policy will fail.

As regards the names referred to in Specification 5 to the template Registry Operator Agreement, HEXAP will follow the processes and procedures established by ICANN and the Governmental Advisory Committee.

However, HEXAP will at all times be entitled to restrict, limit or expand:

- the category or categories of stakeholders who will be entitled to register one or more domain names in the .MED gTLD, including their criteria for qualification, however in any case excluding stakeholders who are not a member of HEXAP or do not have a sufficient link to the HEXAP community;
- the choice of domain name(s) registered in the .MED gTLD by and per such eligible stakeholder (category);
- the use made by an and per eligible stakeholder of a domain name registered in the .MED gTLD;
- the transfer of domain names registered in .MED;
- etc.

HEXAP shall reserve the right to subject the registration or use of a domain name to internal approval processes and procedures, at each and every step of the domain name life cycle.

Community-based Designation

19. Is the application for a community-based TLD?

Yes

20(a). Provide the name and full description of the community that the applicant is committing to serve.

1. COMMUNITY PURPOSE

The .MED gTLD is a new extension dedicated to the medical community. The medical community is defined by all:

- Health care providers (practitioners, facilities);
- Boards, Councils, Ministries, Orders and Colleges;
- Schools and universities; and
- Academies, scientific organizations and professional associations.

The .MED application is for a gTLD created by health care professionals, open to colleagues around the world for serving the best interests of the patients. The .MED gTLD is a string understandable in more than 70 languages, including English, Spanish, French, Russian, Portuguese, German, Italian, etc.

The .MED gTLD is a professional namespace where the medical community will be able to publish information for peers and patients.

2. COMMUNITY MEMBERS

.MED is a comprehensive zone that includes all licensed professionals with specific rules per country. These health professionals are not only limited to physicians and doctors but include a wide although limited range of health providers and stakeholders. Thus, a list of eligible registrants has been determined for the .MED TLD, which takes into account regional particularities, legal specifications and licensing procedures, and considers different national regulations regarding some medical practices. Specific restrictions will be implemented for a limited list of occupations that are not recognized nor authorized by the relevant Council or competent Ministry of the country for specific registrants eligible for .MED. Defined in the .MED gTLD policies, these lists will be produced by HEXAP's Medical Clearinghouse which communicates with the Registry Back-End Operator for

verifying and approving domain name creations, renewals and transfers.

The Medical Clearinghouse is supervised by HEXAP's scientific council, which is consulted for providing guidelines with the help of relevant stakeholders in matters of ethics, lack of local regulation or if a questionable domain name registration occurs.

Members of the designed community are classified in two categories (full list in attached document), further detailed below in our response to Question 20 (c):

- practitioners: These qualified health and health associate professionals are defined by the International Standard Classification of Occupations (ISCO), 2008 revision 8 (ISCO-08), which forms part of the international family of economic and social classifications of the United Nations and is mapped by the World Health Organization [1]. All these licensed professionals are regulated by health departments, ministries, boards, councils and orders. Number of identified practitioners is evaluated to 45,225,207 [2]
- entities: This group is composed of licensed health care providers, professional associations and health-related organizations:
 - * Facilities: hospitals, clinics, maternity hospitals, medical nursing homes, geriatric cares facilities, dialysis centers, blood transfer and blood donation centers, ambulances (no recent study has quantified them; estimated at 230,000)
 - * Pharmaceutical industries
 - * Medical schools and universities (1,943 institutions recognized by the World Health Organization [3], 2,218 by the Foundation for Advancement of International Medical Education and Research[4])
 - * Scientific and academic publishers, public health journals (estimated at 26,262 [5])
 - * Academies, Boards, Orders, Colleges, Government-related councils and public health administrations (over 640 identified administrations) Professional associations and unions (estimated at 300,000)

3. COMMUNITY STRUCTURE

The medical profession is not structured in a particular way, but consist of many different organisations, institutions, etc. that focus on specific practise areas. The .MED application conceived by HEXAP received the greatest attention from a lot of stakeholders coming from various countries and institutions. HEXAP is well aware that giving an endorsement to a third party is a particular sensitive issue in the medical worlds, as well as publishing the names of those who provided us with a letter of support.

Reference is made to the various institutions, hospitals, research organizations, universities, companies and individuals who have endorsed our application. Please see our response to Question 20 (b) for more information about these entities.

[1] Sources and classification of health workforce statistics - World Health Organization, http://www.who.int/hrh/statistics/workforce_statistics/en

[2] Global Health Observatory Data Repository - World Health Organization <http://apps.who.int/ghodata/?vid=92000>

[3] Avicenna Directories - World Health Organization, University of Copenhagen
<http://avicenna.ku.dk>

[4] Mapping the World's Medical Schools, FAIMER
<http://www.faimer.org/resources/mapping.html>

[5] National Library of Medicine Catalog -
<http://www.ncbi.nlm.nih.gov/nlmcatalog>

20(b). Explain the applicant's relationship to the community identified in 20(a).

1. ETHICS

HEXAP is a limited liability company that has been founded by health care professionals who have sworn by the Hippocratic Oath, setting the duties of qualified professionals with patients and respect for colleagues. They worked with over 12.000 entities and leading healthcare providers over these last 30 years, including but not limited to Councils, Medical Colleges, Academics, medical publishers, scientific organizations, medical suppliers, industries, web 2.0 communities, health care social media platforms, hospitals, and universities.

Relying on the unparalleled experience of HEXAP's predecessors and founders in providing Internet-based solutions for the health care sector, HEXAP intends the .MED extension to be a community-based gTLD. For this matter, the applicant is appointed and supported by various organizations representing many sectors, sub-sectors and branches of the health care work forces and industry. Furthermore, these supports come from both traditional institutions and the Internet web 2.0 communities from abroad: the .MED application thus brings together different generations and cultures of medical stakeholders. These organizations will work closely with the applicant in order to implement the .MED gTLD in the manner described in Q18.

The .MED gTLD is guided by the sense of ethics that HEXAP's founders have consistently demonstrated in their business dealings, and reinforced by the technical expertise renowned among partners and clients. Furthermore, HEXAP's founders are medical practitioners who are unaffiliated with any medical or pharmaceutical company or organization. This continuous commitment guarantees that the .MED gTLD will be operating independently from influences from industry.

2. ENDORSEMENTS

Various organizations and companies have endorsed the .MED application by HEXAP, which clearly underlines a strong need and demand for having an unambiguous platform for quality health care information, products and services. Relying on the experience and expertise of HEXAP's founders and predecessors in similar projects, which have been applauded by medical professionals, these organizations and companies have endorsed HEXAP's plans for this new and unique name space that will not only serve the needs, requirements and demand from the targeted medical community, but also the need for patients to find reliable sources when seeking such information, products and services.

2.1. FDI WORLD DENTAL FEDERATION (FDI), SWITZERLAND

<http://www.fdiworldental.org> - The FDI is an international federation of approximately 200 national dental associations and specialist groups, including the American Dental Association (ADA). The FDI is a member of the World Health Professions Alliance (WHPA <http://www.whpa.org>); an alliance of dentists, doctors, nurses and pharmacists. WHPA represents more than 20 million health care professionals worldwide and assembles essential knowledge and experience from key health care professions. The FDI currently has a membership of approximately 200 member associations from more than 130 countries, representing more than 1 million dentists globally.

2.2. CONSEIL NATIONAL DE L'ORDRE DES MEDECINS, FRANCE

<http://www.conseil-national.medecin.fr> - The French Medical Order of physicians is the national authority and is particularly involved in Information Technology and eHealth. It and has published in 2011 a Code of Ethics on the Internet ("Deontologie Medicale sur le Web" <http://goo.gl/qFqDq>). This white paper defines guidelines for online good medical practices and makes a clear reference to the .MED gTLD with the intention to reconsider its domain name policy for physicians. It also founded in 1971 the European Council of Medical Orders (<http://www.ceom-ecmo.eu/en>) and is represented by its General Secretary since 2011. The Order is regulating about 265,000 physicians.

2.3. CONSEIL NATIONAL DE L'ORDRE DES CHIRURGIENS-DENTISTES, FRANCE

<http://www.ordre-chirurgiens-dentistes.fr> - For more than 13 years the French Dental Surgeons Order has maintained a transposition of the Code of Ethics on the Internet dedicated to online information publishing (<http://goo.gl/JNxQo>). The Order also released guidelines for patients regarding dental information web browsing (<http://goo.gl/4Y3Y3>). The Order has founded in 2000 the Federation of Dental Competent Authorities (<http://www.fedcar.eu/index.php?lang=en>) and is the General Secretary as of 2011. The Order is regulating close to 50,000 dental surgeons.

2.4. CONSEIL NATIONAL DE L'ORDRE DES SAGES-FEMMES, FRANCE

French Chamber of Midwives - <http://www.ordre-sages-femmes.fr/>
The Order is regulating 23,365 practitioners as of September, 2011.

2.5. ACADEMIE NATIONALE DE CHIRURGIE DENTAIRE, FRANCE

<http://www.academiedentaire.fr> - The French National Academy of Dental Surgery has a current total membership of 317 doctors.

2.6. STANFORD UNIVERSITY SCHOOL OF MEDICINE - MEDICINE X, USA

<http://medicinex.stanford.edu> - Medicine X is a catalyst for new ideas about the future of medicine and health care. Under the direction of Dr. Larry Chu, Assistant Professor of Anesthesia, Medicine X is a project of the Stanford AIM Lab.

2.7. MAYO CLINIC CENTER FOR SOCIAL MEDIA, USA

<http://socialmedia.mayoclinic.org/> - Mayo Clinic is a nonprofit worldwide leader in medical care, research and education for people from all walks of life. The Mayo Clinic Center for Social Media exists to improve health globally by accelerating effective application of social media tools throughout Mayo Clinic and spurring broader and deeper engagement in social media by hospitals, medical professionals and patients.

2.8. CANCER CAMPUS, FRANCE

<http://www.cancer-campus.com> - Cancer Campus is creating an environment, with particular emphasis on the field of cancerology, in which innovative life science and healthcare companies can establish themselves and expand.

2.9. GLOBAL MEDIA SANTE, FRANCE

<http://www.gmsante.fr> - Communication group specializing in the health field.

2.10. RADBOUD UNIVERSITY NIJMEGEN MEDICAL CENTRE, NETHERLANDS

<http://www.radboudreshapecenter.com>

2.11. BUZZMED, USA

<http://buzzmed.net> - Current total membership of 15,000 doctors.

2.12. DOCTORS.NET.UK, UNITED KINGDOM

<http://www.doctors.net.uk> - Professional service available to UK-registered doctors in primary and free accredited education allowing doctors to maintain Continuing Professional Development. It has a current total membership of 192,000 doctors.

2.13. COLIQUIIO, GERMANY

<http://www.coliquio.de> - Coliquio is already used by over 57,000 physicians from all disciplines and is one of the most active German physicians networks.

2.14. EUGENOL, FRANCE

<http://www.eugenol.com> - First French online community for healthcare professionals, Eugenol allows dentists to manage their network, to broadcast surgery cases' videos, to vote or advise products, to submit scientific articles, to exchange about day to day matters, etc. Eugenol has a current total membership of 41,000 dentists.

2.15. CONSENSUS, FRANCE

<http://www.consensus-online.fr> - Consensus has a current total membership of 4,500 cardiologists.

2.16. CARENITY, FRANCE

<http://www.carenity.com> - Carenity is the first french social network dedicated to patients suffering from chronic diseases. Launched in 2011, it counts 7,000 active users and 30 different patients communities.

2.17. APRES MON CANCER DU SEIN, FRANCE

<http://catherinecerisey.wordpress.com> - Notorious french e-patient blog about breast cancer.

20(c). Provide a description of the community-based purpose of the applied-for gTLD.

1. A COMPREHENSIVE ELIGIBLE REGISTRANTS LIST

Eligible registrants include the following:

- practitioners: Qualified health and health associate professionals as defined in Q20a. Must provide a license identification from the relevant health Agency, Board, Council, Order or College:

- * Generalist medical practitioners
- * Specialist medical practitioners
- * Nursing professionals
- * Midwifery professionals
- * Traditional and complementary medicine professionals
- * Paramedical practitioners
- * Dentists
- * Pharmacists
- * Environmental and occupational health and hygiene professionals
- * Physiotherapists
- * Dietitians and nutritionists
- * Audiologists and speech therapists
- * Optometrists and ophthalmic opticians, orthoptists
- * Chiropractors, Osteopaths

Alternative occupation names may apply to fit regional features.

- entities: This group is composed of licensed health care providers, professional associations and health related organizations:
 - * Facilities: hospitals, clinics, maternity hospitals, medical nursing homes, geriatric cares facilities, dialysis centers, blood transfer and blood donation centers, ambulances, medical laboratories. Must provide a Business ID and credentials from the relevant national or the federal Health, Trade, Industry, Economic Development or Commerce Ministry or Department, Agency or authority
 - * Pharmaceutical industries: must provide a Business ID and comprehensive credentials from the relevant national or the federal Health, Trade, Industry, Economic Development or Commerce Ministry or Department, Agency or authority.
 - * Schools and universities: must be listed in the International Medical Education Directory (IMED - <http://www.faimer.org/resources/imed.html>) maintained by the Foundation for Advancement of International Medical Education and Research (FAIMER - <http://www.faimer.org/>), or the Avicenna Directory of medical schools maintained by the University of Copenhagen (<http://avicenna.ku.dk/>), else must provide a comprehensive confirmation from the related health or education national agency or ministry.
 - * Medical Libraries: must provide a comprehensive accreditation.
 - * Scientific and academic publishers, public health journals: must provide a valid ISO identifier such as International Standard Book Number (ISBN) or International Standard Serial Number (ISSN) or International Standard Audiovisual Number (ISAN).
 - * Academies, Boards, Orders, Colleges, Government related councils and public health administrations: must provide official documents.
 - * Professional associations and unions: must provide a comprehensive identification.

Intended end-users include any physical person who would like to obtain access to or receive genuine information from a verified licensed professional practitioner or entity active in the field of health care.

2. AN EXPERIENCED REGISTRY

As it is explained further in our application, HEXAP's experience in managing domain name platforms has been generated in the context of the activities of PROMOPIXEL, of which HEXAP is a spin-off company, and in particular in relation to PROMOPIXEL's product called SMALLREGISTRY.

Since 2009, the SMALLREGISTRY platform allows members of the medical profession in France to register domain names in following second level domains:

- medecin.fr (for physicians);
- chirurgiens-dentistes.fr (for dentists); and
- pharmacien.fr (for pharmacists).

Given the above, the team that has recently established HEXAP is already equipped to handle the anticipated technical environment and operational aspects that have been contemplated in this application for the .MED gTLD. Currently, the SMALLREGISTRY product already encompasses all functionalities required for the .MED gTLD, in particular as regards:

- the operation of a so-called Medical Clearinghouse;
- the operation of a domain name management platform;
- verification of registrants;
- dealing with registrars;
- etc.

Given the fact that there is a clear and continuous need for individuals to obtain genuine information, products and services in relation to diseases and health care, one of the cornerstones of the offering of the .MED TLD is clearly to establish a platform for fulfilling these needs in the near and distant future. Although no guarantees are given by the Registry Operator as regards the accuracy of information, or the effectiveness of products or services that are offered, it will at least provide for a trusted platform for qualified professionals and entities to communicate with individuals and patients.

20(d). Explain the relationship between the applied-for gTLD string and the community identified in 20(a).

The .MED gTLD is an extension that is created by health care professionals and is restricted to colleagues around the world for serving the best interests of patients.

The .MED gTLD string is thus an unambiguous semantic namespace focused on medical professionals, medical institutions, medical services.

Furthermore, the .MED gTLD is a string that is understandable in more than 70 languages, including but not limited to English, Spanish, French, Russian, Portuguese, German, Italian, etc.

To the Applicant's knowledge, the string has no particular meaning outside of the medical field, although it may function as an abbreviation for various sorts of titles or names.

20(e). Provide a description of the applicant's intended registration policies in support of the community-based purpose of the applied-for gTLD.

1. POLICY PRINCIPLES

The .MED registration policy is inspired by the principles reflected by the Hippocratic Oath, as well as "medical best practices" established by various national and international organizations and institutions. These establish the obligation imposed upon the registrant to respect the interests of patients as well as the medical deontology.

Given the fact that the registration of domain names will be monitored at all times by the .MED Registry Operator, these principles will apply during the registration process, but also as regards the use the registrant is making of such domain name.

Please see our response to Question 20 (c) for more information.

2. ELIGIBILITY

Any credential and valid evidence of eligibility will be only requested by the Medical Clearinghouse after the domain name has been registered. Multiple verifications may occur, in particular if the registrant creates domain names for different medical activities or purposes.

Registrants cannot be anonymous in that sense that they have to provide accurate and full-contact information to the Registry Operator, which information will be published in the .MED Whois.

In order to register a domain name, the candidate registrant must certify that he or she is a health-care professional who is licensed to practice in the country where he purports to be working. Any such information will need to be reported to the Medical Clearinghouse, operated by HEXAP, and must be kept up-to-date at all times throughout the lifecycle of the domain name.

3. COMMITMENTS

Any domain name registered in .MED must be used in the best interest of patients or other health care practitioners. Parking domain names will not be allowed.

Any registered domain name must also contain either an MX or an A, CNAME or AAA record in order to be able to use it and refer users to a website whose content is related to human health. Such website can but must not necessarily be a website under a .MED domain name.

Furthermore, HEXAP intends to establish domain name registration policies and acceptable use policies that will allow HEXAP to put domain names on

hold or even revoke any such names if and to the extent they are:

- defamatory or are being used for defamatory purposes;
- harming the reputation and good name of the .MED TLD, or are used for these purposes;
- are infringing trademark or other intellectual property rights of third parties;
- etc.

Furthermore, 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.

The holder of a domain name undertakes to respect his peers, colleagues and competitors with whom he communicates by using the .MED platform.

When registering a domain name, the registrant must acknowledge that complaints can be filed with the Registry Operator or Medical Clearinghouse for various reasons, including but not limited to a breach of the eligibility requirements, if the information of the registrant is inaccurate or no longer up-to-date, non-compliance with the Registry Operator's policies, trademark infringement, impersonation, illegal activities, etc.

Furthermore, 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.

4. LABEL

The domain name must be composed of 3 to 63 characters, case insensitive, alphanumeric characters and may consist of hyphens (however: a domain name cannot begin or end with a hyphen), and contain the name or the name of holder, its brand, business identifier or company name. Eligible practitioners are entitled to include a prefix or suffix to their name, such as a civilian, military, academic or honorary title, specialization, degree, location where they are practicing medicine, etc.

5. PREMIUM DOMAINS

As part of the landrush, the Registry Operator may release so-called "premium domain names" to any person or entity that meets the eligibility requirements, provided that:

- the use that is made of such domain name complies with the rules of good medical practice,
- the domain name chosen is consistent with the exercise or holder's name;
- the domain name will only be used for the benefit of patients; and
- the domain name cannot cause confusion about the profession of the registrant or its field of activities.

These rules of conduct continue to apply throughout the life cycle of the

premium domain name.

20(f). Attach any written endorsements from institutions/groups representative of the community identified in 20(a).

Attachments are not displayed on this form.

Geographic Names

21(a). Is the application for a geographic name?

No

Protection of Geographic Names

22. Describe proposed measures for protection of geographic names at the second and other levels in the applied-for gTLD.

Given the fact that the Applicant is applying for a generic top-level domain where geographic names as domain names could have a strong importance for health care professionals and patients, it has a vested interest in providing its visitors, clients and business partners a clear and predictable naming scheme in the .MED gTLD. Given the sensitive nature of these domain names, the Applicant may indeed develop plans in order to register domain names that exclusively contain geographic names (country names, city names, names of regions, etc.), in close collaboration with national authorities that are supervising the sale or rendering of health care related products or services.

However, if such domain names will be registered, the Applicant will do so considering the following confines:

(1) these domain names will be exclusively registered in the name of the Applicant / Registry Operator, or in the name of such official supervising national body; these names will never be registered in the name of a third party, unless agreed upon otherwise with the authority competent for giving its consent in accordance with Specification 5 of the Registry Agreement;

(2) where consents are required prior to the registration and use of a domain name referred to and in accordance with Specification 5 of the Registry Agreement, the Applicant will obtain such consents before actually registering, delegating and using these domain names.

In any case the registration, delegation and use of domain names corresponding

to geographic names will at all times be done in the best interest of:

- the Applicant; and
- in order to directly and indirectly promote local activity in the geographic locations of which the name has been registered in accordance with (1) above.

Registry Services

23. Provide name and full description of all the Registry Services to be provided.

1. OVERVIEW

The internet today, with 22 generic top-level domain names and approximately 270 country code TLDs, is about to change. As the domain name space will be opened to organizations applying for gTLDs associated with particular interests and businesses sectors, this will help organizations and communities enhance branding, community building, security, and user interaction. Hundreds of new extensions may be introduced and each applicant will have to look for a stable and secure registry system and technical provider. The Registry Operator has therefore chosen to outsource the technical back-end operations for the domain name Registry to OpenRegistry (the Registry Service Provider). OpenRegistry combines a steady track record with modular software to help applicants take advantage of this opportunity.

When it is stated that the Registry service Provider will perform certain services or comply with certain standards and processes, the Registry Service Provider will do this in the name and on behalf of the Applicant, who itself is committed to comply with these standards and processes towards ICANN under the Registry Agreement and the terms and conditions of the new gTLD program. Unless it is expressly stated otherwise, all services described in this question will be provided by the Registry Service Provider in the name and on behalf of the Applicant, who will monitor the Registry Service Provider's compliance with its contractual terms and the requirements laid down by ICANN on a regular basis.

1.1. REGISTRY SERVICE PROVIDER

This document sets out the range of services that OpenRegistry offers to its customers in compliance with ICANN's new top level domain application process. The services are fully compliant with ICANN's requirements regarding the deployment and management of a gTLD Registry System.

OpenRegistry's multilingual staff have over 20 years of combined experience in developing and managing sophisticated solutions for domain name Registrars, domain name Registrants (in particular brand owners) and Registry Operators, as well as being involved in the design of policies for and managing registrar relationships with several ccTLDs.

All members of the team (including outsourced personnel) have been specifically trained on the Registry Platform and have an extensive

knowledge and hands-on know-how about the DNS. OpenRegistry has offices in Luxembourg and Belgium.

OpenRegistry was founded by the three key leaders involved in the successful creation and operation of the .be and .eu Registries, which combined currently represent over four million domain names. The OpenRegistry team has 20 years of experience in developing and managing sophisticated solutions for Registrars and Registry Operators. The OpenRegistry system draws on the best features of the .be and .eu systems, combined with new technology that has been introduced, which results in best practice system protocols and software design.

OpenRegistry offers from a simple, totally outsourced product to a licensed version of the Registry software for clients who wish to manage their own infrastructure. In each and every case, the system meets and even exceeds ICANN's registry contract requirements. The software provides the flexibility to offer options to Registry Operators that are in line with its own specific operational and technical circumstances.

(View attachment for Figure 1: Registry Software Capabilities)

There are three key feature groups which address the ICANN evaluation process and which meet and even exceed ICANN's mission and core values to protect the stability of the global Internet. These are the technical features, financial features and third party modules that are detailed in the next sections.

(View attachment for Figure 2: Registry Software Features Overview)

1.2. STABILITY & SECURITY

The Registry Platform that will be deployed for the applied-for gTLD, which meets and even exceeds the technical requirements set by ICANN, combined with the team's experience in running ccTLD domain extensions, provide a solid basis to assist the Applicant to meet its commitments to ICANN. As a Registry Service Provider, OpenRegistry is an operationally secure company with highly skilled staff and appropriate premises for running Registry Services conform to the ISO27001 standard.

DNS services are monitored at all times and external high quality any-cast providers are added in the mix to deliver excellent and premium class nameserver infrastructure all over the world.

The main features of the Registry Platform include a complete and extendible set of functionalities that can be controlled by the administrator. Some of the more profound features include support for IPv4, IPv6 and DNSSEC. The Registry Platform relies on standards-based software, carrier-grade hardware and protocol compliant interfaces. These include enabling dynamic zone file updates for immediate use after registration, escrow services and advanced reporting. Extensible Provisioning Protocol (EPP) transactions are only accepted from pre-registered IP addresses and all transactions, whether web or EPP are protected by Secure Socket Layer (SSL). All transactions are monitored, traced and logged.

The Registry Service Provider's staff are industry-trained (in Java, SQL, Linux) university-certified professionals each with over a decade of experience in building and managing network infrastructure (CISCO, Juniper, etc.) using quality hardware appropriate for the array of customers.

Diverse audit trails of all activities across software, hardware, staff movement, building access to ensure the security of our systems, are

provided. A penalty system ensures Registrars cannot flood the Registry Platform with invalid requests, which would potentially degrade the system's performance. New connections (SYN packets) are limited on the domain name Registry's edge routers to minimize the impact of Denial of Service (DOS) and Distributed Denial of Service (DDOS) attacks. The system is further protected with a redundant intrusion detection-intrusion prevention system to exercise deep packet inspection and block risks on SQL-injection and cross site scripting.

OpenRegistry offers a range of services to increase the security of communications between the Registry Operator and Registrars. By default, the communication channel is encrypted using Secure Socket Layer (SSL)-Transport Security Layer (TLS). On top of encryption, the following options are available:

- User login with passwords and granular authorization;
- Transfer with authorization code to prevent unintentional transfers;
- Limited access per second to avoid data harvesting;
- Monitored update allows ownership data to be changed only after manual checks;
- Temporary take-over by the Registry Operator in case of Registrar bankruptcy;
- Domain lock avoids malicious transfers;
- On-hold status can be set pending an Alternative Dispute Resolution (ADR) case;

The Registry Platform provides a minimum of two anycast addresses, nodes in 52 locations around the world and a capacity of over 500 billion queries a day with a resolution rate of under one millisecond. Each node is set up in a redundant configuration so that a hardware failure on one machine does not prevent the node from responding to queries.

The Registry's primary server location is located in Belgium, in a secure, state-of-the-art facility. Special care has been taken to provide several physical layers of security. The Registry database and application servers will be hosted there, with a mirror site in Luxembourg. The Registry Platform is connected using multiple Internet Service Providers (ISPs), all of them Tier 1 providers.

The applications run on a blade infrastructure, allowing for immediate recovery in the case of failure of any one element and providing easy scalability. The setup provides micro-cloud functionality that allows for easy scalability and multiple layers of redundancy. The local backup (warm standby) server is kept current by a stream of write-ahead log records, so it can take over as the master server with minimal delay. Name servers are distributed over the world for load balancing and robustness. External parties provide anycast functionality. The unicast nodes provided are set up in a redundant configuration so that a hardware failure on one machine does not prevent the node from responding to queries.

All the Registry data are stored on a cluster of database servers, both on the primary and on the mirror site. These databases are synchronized permanently. If the load on the production database is deemed too high to deliver excellent quality service, read-only copies are put in place for read-only service, such as WHOIS and Data Escrow, to off-load traffic from

the main database. A special delayed recovery database is available on the primary site to be able to recover quickly from data corruption should it have spread to all on-line database servers.

(View attachment for Figure 3: Registry Services interfacing the Registry Database)

The Registry Platform is feature rich with a multitude of parameters that can be set to suit the applicant's requirements. At system level software modules and functionalities can be switched on and off by the system administrator.

The Registry Platform contains all functionality required by ICANN for a TLD to operate efficiently through two main interfaces or more if necessary. The XML based EPP interface provides excellent means for Registrars who want to offer their customers a fully automated interface. A web interface provides extra functions that are difficult to automate next to a set of commands that are fully compatible with EPP.

The audit trail ensures that from day one every single activity in the system is logged and copied, including all associated data. This allows for going back in time and examining the situation both before and after a transaction took place. Journaling is built straight in the database, so it is hassle free for programmers and works with all programming languages.

The full and flexible audit log eliminates huge log files or endless searching. The audit log can be searched using filters and detailed search criteria, so the requested is found fast and efficiently.

The system was created for the current gTLD Registry-Registrar-Registrant model but could easily accommodate a direct Registry-Registrant relationship, for which a web interface is particularly useful.

2. TECHNICAL FEATURES

2.1. WHOIS AND DOMAIN AVAILABILITY SERVICE (DAS)

End users (Registrants) are expected to have access to the contact details of a domain name holder. The WHOIS module complies with the ICANN standards, but offers optional flexibility with two different accesses : the WHOIS giving the full details (if allowed) of the domain name holder, and DAS (Domain Availability Service) which only shows whether the domain name is available or not. WHOIS data is fully configurable to meet existing or future data protection requirements, with each field able to be switched on or off. It can be accessed via both a web interface (CAPTCHA protected, where the user needs to enter a verification code to avoid machine-generated queries) or via port 43.

Open Registries may find other uses for their WHOIS data to benefit both the Registry Operator and Registrants, such as a search capable WHOIS on the domain name database to find domain names or registrants in a particular industry or area. Profiles can be set up to determine which information is displayed.

WHOIS and DAS functionalities are described in detail in response to question 26.

2.2. DNSSEC ENABLED

In compliance with ICANN requirements, the applied-for TLD will be DNSSEC enabled from day one. Additionally, a DNSSEC solution is offered for the

Registrars that they can implement with minimum disruption to their own systems. The implementation of DNSSEC is described in detail in response to question 43.

2.3. DNS SERVICE

The DNS infrastructure consists of an own set of redundant unicast nameservers running various flavors of operating systems and DNS software, and a set of high quality anycast nameserver providers. These services are provided by machines distributed all over the world over the IPv4 and IPv6 network and using DNSSEC.

- Real-time DNS updates compliant with RFC 2136
- DNS Services implemented using ISC BIND, compliant with RFC 1034, RFC 1035, RFC 1101, RFC 2181, RFC 2182, and RFC 3007

A detailed description of the DNS service is provided in the response to question 35.

2.4. TAILORED CONTACT TYPES

When a domain name is registered, the Registrant must provide the Registrar of the domain name with valid and up-to-date contact information. In theory, by looking up the domain name in any public WHOIS database, anyone is supposed to be able to view this registration information, and thus contact the person or company that owns it (Registrant or Licensee). The Registry Platform allows specifying tailored contact types to suit the Registry Operator's need. Each contact type can contain the default set of contact data or fields specified.

2.5. DYNAMIC ZONE FILES

The Registry Platform provides a dynamic zone file update, ensuring that, when a domain name is registered, it is available for use immediately.

2.6. SUNRISE

The Registry Platform accommodates multiple types of Sunrise arrangements, including first-come-first-served validations or a defined Sunrise window that sends all applications for validation. Rules for the sunrise period can be set such as the type and location of applicant and type, or the dates and geographical coverage of prior IP rights.

2.7. VALIDATION MANAGEMENT

The Registry Platform can provide a direct link to any Clearinghouse that ICANN or the Domain Name Registry may choose, thus encouraging more brand owners to participate in the Sunrise. Validation options include selection of names which are excluded from registration, which are Premium names, and include an auction process for competing applications.

2.8. SRS REGISTRATION AND FLEXIBLE PERMISSIONS

SRS is short for Shared Registry System. The Registry Platform offers, besides the access through EPP required by ICANN, the capability to register domain names via the web. The Registry Platform includes a module that allows for flexible permissions for all users. This is very useful to give different permissions to different types of users for different sets of actions, for example to define what certain Registrars or Resellers can or cannot do. These permissions can be applied to different transactions in the

system, allowing staying in total control of the TLD.

2.9. REGISTRAR INTERFACE

- Fully documented client Application Programming Interface (API)
- Web interface to allow Registrars full control of names under their management
- Easy to use and fully compatible with Extensible Provisioning Protocol (EPP)
- Extra modules provide feature rich experience

2.10. EXTENSIBLE PROVISIONING PROTOCOL (EPP)

- Full EPP compliance with RFC 3730 and RFC 4930
- Supports standard EPP object mappings for an Internet Domain Name Registry RFC 4931, RFC 4932, and RFC 4933
- Multi-layer authentication
- Includes support for implementing EPP extensions
- Highly configured EPP Service to ensure that Regulator and Registry Operator Policy is adhered to with minimal intervention
- Works with any RFC compliant EPP server

A detailed description of the implementation of EPP is provided in response to question 25.

2.11. HIDDEN MASTER NAMESERVERS

The master nameserver, which interfaces directly with the Registry Database, provides all slave nameservers with the current registration and database information, but cannot be accessed by third party users. This provides optimal security and integrity for the Registry Database.

2.12. VARIABLE RENEWAL PERIOD

The Registry Platform allows for configuration of the renewal period, with a maximum of 10 years. By default, the domain name registration period is extended with one year, but this could be set to any period within the limits imposed by ICANN during the explicit renewal.

2.13. LENGTH LIMITATIONS

The Registry Platform allows for the definition of criteria in terms of the length of the registered domain name. This feature can be used for example, to avoid the creation of two and three letter domain names within the TLD.

2.14. STRING BLOCKING

This feature allows for blocking of simple or complex 'strings' from being used in domain names. Examples include geographic names, sensitive medical terms, or foul language.

2.15. AUTOMATIC TRANSFER HANDLING

The Registry Platform is capable of automatically handling all transfers using a proven automated process. When a transfer is initiated, the current registrar receives a notification. This procedure is described in our response to Question 27 (Domain Life Cycle) and the Domain Name Registration Policy.

2.16. REGISTRAR DASHBOARD

The Registrar has a dashboard to verify the current status of the registrar account. This includes a number of statistics on domain names in portfolio, domain names recently registered, transferred in and out, etc. These statistics are also provided over a longer period of time, allowing the registrar to conduct statistical analysis of the portfolio. The interface also provides an overview of transaction failures and the reason why, if applicable. It also shows a detailed financial status.

2.17. REGISTRAR EXPORT

The Registrar web provides a separate page where the Registrar has bulk access to the entire portfolio of domain names, contacts and all other useful information stored in the database linked to the Registrar's account. The data is available in various formats including XLS, CVS and XML. This provides the Registrar with ample facility to verify portfolio and import data into and verify data against any external system used by the Registrar.

2.18. INTERNATIONALIZED DOMAIN NAME (IDN)

The Registry Platform is IDN compatible and does not rely on the domain name registrar to convert natural script into punycode. The Registrar simply needs to enter the required information in natural language and the Registry Platform will do the rest. This applies for both EPP and web interfaces. Activation of the IDN feature is not foreseen for the applied-for gTLD.

3. FINANCIAL FEATURES

3.1. PRICING MODEL

The Registry Platform's management module allows the Registry Operator to create pricing models as needed. Prices can be set for each type of operation and can have an associated validity period. Price changes can easily be implemented and put in the system with a specific starting date.

3.2. PRE-PAYMENT SYSTEM

For each domain name Registrar, an account is provisioned in the Registry Platform. Every paying transaction reduces the account balance by the corresponding fee. When the account does not contain enough funds, the transaction will not finish successfully. This method eliminates the risk of bad debtors. Invoices are generated at the end of each month for the transactions executed and paid for in the previous period. This flexible system also allows for a post-payment application.

3.3. CREDIT LINES

While the pre-payment system does not allow a Registrar to execute paying transactions, such as registering a new domain name, a credit mechanism is available that allows the Registry Operator to give a Registrar a credit line for a specific period and a specific amount. During that period, the Registrar's account may temporarily run negative for the specified amount.

3.4. INVOICING

The Registry Platform implements explicit renewals. Payments must be made with the Registrar's pre-payment accounts, although the Registry Operator can give a particular Registrar a credit line for a specific period. Monthly invoices, detailing all transactions that have occurred in the previous month, are generated by the Registry Platform.

3.5. PAYMENTS

The Registry Platform's management module keeps track of all payments that have been entered into the system. Registrars can access their complete invoice and payment history via the web interface.

3.6. EARLY WARNING SYSTEM

The Registry Platform contains a system of threshold to prevent the Registrar's account from going negative. When the prepay account drops below a certain threshold level, an email will be sent to the Registrar to inform him, thus allowing the Registrar to transfer sufficient funds into the account in time.

4. THIRD PARTY MODULES

4.1. ALTERNATIVE DISPUTE RESOLUTION (ADR) EXTRANET

In the event that a dispute arises over a domain name, the status of the domain name in question needs to be blocked. This is required to prevent the current holder from changing crucial data. As timing is very important, the Registry Platform includes a simple interface for the Alternative Dispute Resolution (ADR) provider that allows placing the disputed name on hold or in use again according to the outcome of the deliberation. Furthermore, if a complaint is launched against a domain name, the Registry Operator can permit the ADR dispute resolution service provider to log in and suspend any transactions on the name until the process is complete. When the dispute is resolved, the ADR provider can either remove the suspension or force a transfer according to the applicable rules and procedures of the UDRP (Uniform Domain-Name Dispute Resolution Policy).

4.2. SUNRISE PROCESS MANAGEMENT

The Registry Platform accommodates multiple types of Sunrise arrangements, including first-come-first-served validations or a defined Sunrise window that sends all applications for validation. Rules for the Sunrise period can be set, for example, the type and location of applicant and type, or the dates and geographical coverage of prior IP rights.

4.3. VALIDATION MANAGEMENT

The Registry Platform can provide a direct link to any ClearingHouse that ICANN or the Domain Name Registry may choose, thus encouraging more brand owners to participate in the Sunrise. Validation options include selection of names which are excluded from registration, which are Premium names, and include an auction process for competing applications. The Registry Platform is by default compliant with the Trademark Clearinghouse.

4.4. ESCROW MODULE

The escrow module allows for an easy transfer of full and incremental backups to one of ICANN's accredited escrow providers. Reports of all exchanges are kept and combined in a monthly report. Emergency backup procedures and verification scripts can be added.

A detailed description of the data escrow is provided in the response to question 38.

Demonstration of Technical & Operational Capability

24. Shared Registration System (SRS) Performance

1. OVERVIEW

The Shared Registration System (SRS) is a computer system for managing a domain name Registry, and allows for the registration, by authorized Registrars, of domain names and modification of information associated with that domain name on the Registry level.

The SRS has two matching subsystems: an Extensible Provisioning Protocol (EPP) server and a Registrar web interface.

2. HIGH-LEVEL SRS SYSTEM DESCRIPTION

2.1. INFRASTRUCTURE

The SRS platform consists of several services. These services provide the Registrar with access to the database. Registrar's access is limited to objects created and maintained by the Registrar. No other means than the SRS are provided to the Registrar to modify objects. The SRS system runs on a virtualized and strictly separated infrastructure to maintain consistency and security and provide for scalability and availability. For more information, reference is made to the relevant sections in question 31 (Technical Overview of the Proposed Registry), question 32 (System & Network Architecture) and Q33 (Database Capabilities).

2.2. EXTENSIBLE PROVISIONING PROTOCOL

As required by Specification 6 (section 1.2) and as detailed in the answer on Question 25 on the Extensible Provisioning Protocol (EPP), the Registry Operator will comply with the relevant existing RFCs. The Registry Operator will also, if applicable, implement the relevant RFCs published in the future by the Internet Engineering Task Force (IETF) including all successor standards, modifications or additions thereto relating to the provisioning and management of domain names using the Extensible Provisioning Protocol (EPP) in compliance with RFCs 5910, 5730, 5731, 5732, 5733 and 5734.

Extensive testing will verify that the software performs according to the performance specifications as required by Specification 10 for EPP.

The response to question 25 provides full details on the EPP implementation.

2.2.1. SECURITY

Access to the EPP server system is restricted in three ways:

- Access control to the production EPP server is restricted by IP address filters;

- SSL encryption is required for the communication channels between the Registrar's client system and the OT&E (Operation Test & Evaluation) and Production EPP servers;
- Authentication by means of a user name and a strong password is required for session establishment.

The EPP server requires that all three mechanisms must be correctly adhered to before access is granted.

The IP addresses from which the Registrar wants to connect to the EPP server must be registered through the Registrar web interface (maximum 5 IP addresses per Registrar, subject to evaluation).

2.3. REGISTRAR WEB INTERFACE

The Registry Operator will, in addition to the EPP server system, also run a Registrar web interface. This web interface can be used besides or instead of the EPP server interface to manage the registration and modifications of domain names and the information associated with those names.

The web interface has two parts: managing the objects in the domain name Registry database, and managing the Registrar's business account information.

2.3.1. MANAGING OBJECTS IN THE DOMAIN NAME REGISTRY DATABASE

The management of the objects in the database via the web interface is based on the same software code as for the EPP server implementation. The different subparts of managing the objects in the database are: maintaining domain names, maintaining contacts and maintaining hosts.

- Maintain Domain: The interface allows to easily find, check, query, add, update, renew, transfer or delete domain names from the Registrar account. As an extra feature, the history of the domain name can be explored (as long as the domain name resides in the Registrar's account).
- Maintain Contact: The interface allows to easily find, check, query, add, update or delete contact information. Also the history of the contact can be listed (as long as the contact stays in the Registrar's account).
- Maintain Host: The interface allows to simply find, check, query, add, update or delete host information from the Registrar account. Also the history of the host object can be viewed (as long as the host object is in the Registrar's account).

2.3.2. MANAGING THE REGISTRAR ACCOUNT

The Registrar Profile page allows the Registrar to:

- View, add and update own contact information for administrative, technical, commercial and financial purposes;
- Add and update the IP addresses required for access to the EPP server (see above);
- Add and update the different email addresses of the Registrar where he can be reached by the Registry Operator for administrative, technical and financial purposes; and

- View hitpoints (attributed when the EPP client software behaves erratically), and resume the Registrar account (when hitpoints reach a defined threshold, the Registrar account is suspended temporarily).

The financial information pages reveals:

- Account balance overview;
- Overview of invoices and payments, with details;
- Overview of possible renewals in coming months.

The reports page provides customized reports on gained and lost domain names (via transfers), on nearly expired domain names and on the latest transactions (per object type and transaction type).

The export page offers downloads of full exports of contacts, domain names and hosts in different formats (CSV, XLS, XML), to allow the Registrar to consolidate and cross-check his own data.

2.3.3. SECURITY

Access to the Registrar web interface is restricted in three ways:

- HTTPS encryption is required for the communication between the Registrar and the OT&E and production Registrar web interfaces;
- Authentication by means of a user name and password is required; and
- Extra passphrase authorization to confirm transactional commands (create/modify/delete).

All communication is encrypted and secured using the SSL/TLS protocol. The main idea of HTTPS is to create a secure channel over an insecure network. Adding a trusted and verified server certificate ensures reasonable protection from eavesdroppers and man-in-the-middle attacks.

Security is augmented by requiring an extra passphrase authorization to complete all transactional commands on the SRS system.

2.3.4. REDUNDANCY & SCALABILITY

The SRS system runs on a mini-cloud virtualizing all machine infrastructures needed (for further information on, for instance the number of servers, see question 32). Not only does this improve high-availability and scalability, it also allows for very fine grained access control improving security and mitigating network cross connections. The cloud can be distributed over the two sites allowing for a full hot-standby mirror site. Using network based traffic mirroring, resources are scaled and load balancing and fail-over are implemented.

The synchronization scheme for the Registry database, which contains all information used by the Shared Registration System, is described in full detail in the response to question 33 (Database Capabilities). The database is continuously synchronized.

Dynamic updates are implemented on the nameserver infrastructure. All changes to the database are immediately synchronized to the worldwide nameserver infrastructure, with an average delay of 10 seconds.

3. RESOURCING PLAN

3.1. TECHNICAL RESOURCES

3.1.1. NETWORK

The Registry Platform is based on a full redundant network setup, based on different technologies that together form a reliable setup. The network setup is greatly detailed in the answer on Question 32 on Network & System Architecture, and consists of:

- Multi-homed network with own IP-range and Autonomous System number (AS) announce via Border Gate Protocol (BGP);
- Redundant routers and firewalls;
- Fully redundant internal network for interconnection between the Registry Services.
- Network security measures include:
 - Traffic shaping (on SYN packets) on the routers to minimize impact of (Distributed) Denial Of Service attacks;
 - Stateful firewall to limit access to service ports only;
 - Limiting source IP addresses per Registrar to connect to EPP server system;
 - Network separation using VLAN (IEEE802.1q) technology to separate service and data plane;
 - Private firewall on every server.

3.1.2. SERVERS

The EPP server and the Registrar web interface are running on their own respective machines. Virtualization is used to make the service machines independent of the underlying hardware.

3.1.3. INTERCONNECTIVITY WITH OTHER REGISTRY SERVICES

The Shared Registration System (SRS) maintains the objects in the core database from a Registrar's perspective. All other Registry systems such as the WHOIS service, the data escrow system, the (dynamic) zone file generator, etc. use the core database.

The Registry Operator implements a thick Registry model, and as such the full data are present in the core database. There is no need to synchronize the data from different source databases into the master database.

As detailed in the answer on Question 33 on Database Capabilities, the Registry Operator is using hot-standby database replication for redundancy and fail-over, and if the load on the system should require so, the WHOIS system can be off-loaded to another hot-standby read-only copy of the core database, which is near-synchronous with the main database.

Note that the network and system setup on the primary site is duplicated on a mirror site.

(View attachment for Figure 1: Interplay of Registry Services)

Other services such as the dynamic updates of the zone file, zone file generation and escrow use the database or a trigger mechanism to update the relevant resources when the Registrar updates objects in the database.

All changes to the database are tagged and linked to a transaction description also specifying the relevant time stamp, user and IP address. The information can be used to provide a full audit trail or to pinpoint invalid or illegal behavior.

3.2. PERSONNEL

With regards to resourcing, reference is made to the global resourcing scheme as part of response to Question 31 (Technical Overview of the Proposed Registry). Implementation and maintenance of the Shared Registration System is under the authority of the Software Developer, under control of the Operations Manager. The technical infrastructure is implemented and maintained by the Network & System Administrator.

25. Extensible Provisioning Protocol (EPP)

1. OVERVIEW

The Registry Operator will comply with the latest version of the Extensible Provisioning Protocol (EPP). The domain name Registry is designed to strict EPP standards from the ground up. No proprietary EPP extensions have been developed. Upon selection of the Trademark Clearinghouse (TMCH) provider by ICANN, the EPP implementation will be complemented with an interface towards the TMCH, in line with community defined interface specifications.

2. EPP REGISTRY – REGISTRAR MODEL

The domain name registry implementation features a "thick" model as represented by the rich object store managed by the centralized domain name registry.

This object store can be managed by accredited Registrars via the EPP interface that will be using the interface protocol specified by the current EPP standard.

The EPP specification is broken up into an extensible object design with each of the primary objects given an individual but consistent interface that meet the base EPP framework as described below.

2.1. EPP PROTOCOL HIGHLIGHTS

2.1.1. RFC 5730 – EXTENSIBLE PROVISIONING PROTOCOL (EPP)

This document describes the foundation upon which all the specific objects (Domain names, Hosts, Contacts) must adhere to in order to maintain a consistent interface. A standard domain name registry specific extensible object management framework is also described in this document to handle any extra information need to satisfy policy or other agreements the domain name registry may be required to sustain.

2.1.2. RFC 5731 – EXTENSIBLE PROVISIONING PROTOCOL (EPP) DOMAIN NAME MAPPING

This document describes an EPP mapping for the provisioning and management

of Internet domain names stored in a shared central repository. Specified in XML, the mapping defines EPP command syntax and semantics as applied to domain names.

2.1.3. RFC 5732 - EXTENSIBLE PROVISIONING PROTOCOL (EPP) HOST MAPPING

This document describes an EPP mapping for the provisioning and management of Internet host names stored in a shared central repository. Specified in XML, the mapping defines EPP command syntax and semantics as applied to host names.

2.1.4. RFC 5733 - EXTENSIBLE PROVISIONING PROTOCOL (EPP) CONTACT MAPPING

This document describes an EPP mapping for the provisioning and management of identifiers representing individuals or organizations (known as "contacts") stored in a shared central repository. Specified in XML, the mapping defines EPP command syntax and semantics as applied to contacts.

2.1.5. RFC 5734 - EXTENSIBLE PROVISIONING PROTOCOL (EPP) TRANSPORT OVER TRANSMISSION CONTROL PROTOCOL (TCP)

This document dictates the TCP connection strategies to use. The implemented transport layer is conform to RFC 5734 and RFC 2246. RFC 5734 specifies the low level transport and allows for a typical TCP connection to be used to serve as a client-server communication channel. To secure the communication between client and server, an obligatory Transport Layer Security (TLS) layer is run on top of the TCP connection, as specified in RFC 2246.

A number of security settings no longer comply with current security needs and are prohibited in RFC 6176. The security algorithms that are allowed to communicate were chosen to be secure and compliant with a wide variety of implementations currently in use on most operating systems. These security algorithms include Advanced Encryption Standard (AES) and Triple Data Encryption Standard (TripleDES) for encryption and RSA for negotiation.

2.1.6. RFC 5910 - DOMAIN NAME SYSTEM (DNS) SECURITY EXTENSIONS MAPPING FOR THE EXTENSIBLE PROVISIONING PROTOCOL (EPP)

This document describes the DNSSEC Extensions Mapping for EPP for the provisioning and management of DNS security extensions stored in a shared central repository. Specified in XML, the mapping defines EPP DNSSEC extensions to the command syntax and semantics as applied to domain names.

2.1.7. RFC 3915 - DOMAIN REGISTRY GRACE PERIOD MAPPING FOR THE EXTENSIBLE PROVISIONING PROTOCOL (EPP)

This document describes the Registry Grace Period (RGP) Extensions Mapping for EPP for the management of domain names subject to "grace period" policies defined by ICANN. Specified in XML, the mapping defines EPP RGP extensions to the command syntax and semantics as applied to domains.

2.2. SUPPORTED COMMAND SET

A full set of EPP commands is implemented, as specified in the above mentioned RFCs. The EPP service provides all commands specified in the RFCs 5730, 5731, 5732, 5733, 3915 and 5910 in a fully functional fashion. The commands are implemented conform the specifications set forth in the RFCs. The fully compliant XSD schema describing the XML layout which can be used to validate the XML command can be found in RFC 5730-5733, 3915 and 5910.

Please note that two extensions are implemented:

- RFC 3915 is a specific extension to implement the "grace period" policies, both in providing extra information to the Registrar, as well as the possibility to restore a domain name from redemption.
- RFC 5910 is a specific description to comply with the DNSSEC extension, as is required by the Applicant Guidebook, to manage the DNSSEC keys of the domain name.

The domain name registry will provide the following command sets to support the Registry Service:

- Greeting
- Session management
- Object Query
- Object Transform

All commands from the EPP client to the EPP server run over an encrypted connection. The EPP client has to identify itself by using the predefined session management command `<login>` using unique and out-of-band communicated credentials.

The command sets are described in detail below.

2.2.1. GREETING

The EPP server will respond to a successful connection by returning a greeting to the client. The greeting response includes information such as:

- The name of the server
- The server's current date and time in Coordinated Standard Time (UTC)
- The features supported by this server, which may include:
 - * One or more protocol versions supported by the server
 - * One or more languages for the text response supported by the server
 - * One or more `<objURI>` elements which identify the objects which the server is capable of managing
 - * An optional `<svcExtension>` element that contains one or more `<extURI>` elements that contain namespace URIs representing object extensions supported by the server. Here the EPP server will announce support for `rgp-1.0` (as defined in RFC 3915) and for `secDNS-1.1` (as defined in RFC 5910).

At any time a `<hello>` command can be used to receive a `<greeting>` response.

2.2.2. SESSION MANAGEMENT

EPP provides two commands for session management: `<login>` to establish a session with a server, and `<logout>` to end a session with a server.

- Login: The EPP `<login>` command is used to establish a session with an EPP server in response to a greeting issued by the server. A `<login>` command MUST be sent to a server before any other EPP command.
- Logout: The EPP `<logout>` command is used to end a session with an EPP server.

2.2.3. OBJECT QUERY COMMANDS

EPP provides three commands to retrieve object information:

- `<info>` to retrieve detailed information associated with a known object,
- `<check>` to determine if an object is known to the server, and
- `<transfer>` to retrieve known object transfer status information. These are described into further detail below.

Info: The EPP `<info>` command is used to retrieve information associated with a known object. The elements needed to identify an object and the type of information associated with an object are both object-specific, so the child elements of the `<info>` command are specified using the EPP extension framework.

Check: The EPP `<check>` command is used to determine if an object is known to the server. The elements needed to identify an object are object-specific, so the child elements of the `<check>` command are specified using the EPP extension framework.

Poll: The EPP `<poll>` command is used to discover and retrieve notification messages queued by the server for individual Registrars. Some elements are object-specific, so the child elements of the `<poll>` response are specified using the EPP extension framework.

Transfer (Query): The EPP `<transfer>` command provides a query operation that allows a client to determine real-time status of pending and completed transfer requests. The elements needed to identify an object that is the subject of a transfer request are object-specific, so the child elements of the `<transfer>` query command are specified using the EPP extension framework.

2.2.4. OBJECT TRANSFORM COMMANDS

EPP provides five commands to transform objects:

- `<create>` to create an instance of an object with a server,
- `<delete>` to remove an instance of an object from a server,
- `<renew>` to extend the validity period of an object,
- `<update>` to change information associated with an object, and
- `<transfer>` to manage changes in client sponsorship of a known object.

These are described into further detail below.

Create: The EPP `<create>` command is used to create an instance of an object. An object may be created for an indefinite period of time, or an object may be created for a specific validity period. The EPP mapping for an object MUST describe the status of an object with respect to time, to include expected client and server behavior if a validity period is used.

Delete: The EPP `<delete>` command is used to remove an instance of a known object. The elements needed to identify an object are object-specific, therefore the child elements of the `<delete>` command are specified using the EPP extension framework.

Renew: The EPP `<renew>` command is used to extend the validity period of an object. The elements needed to identify and extend the validity period of an object are object-specific, therefore the child elements of the `<renew>` command are specified using the EPP extension framework.

Transfer: The EPP `<transfer>` command is used to manage changes in client sponsorship of a known object. Clients may initiate a transfer request, cancel a transfer request, approve a transfer request, and reject a transfer request.

Update: The EPP `<update>` command is used to change information associated with a known object. The elements needed to identify and modify an object are object-specific, therefore the child elements of the `<update>` command are specified using the EPP extension framework.

All above transform commands can be processed by the Registry Operator in two ways:

- immediately process the requested action;
- initiate processing the requested action, but allow for off-line review or further interaction before completing the requested action. The response of the EPP server will clearly note that the requested action is "pending".

In the latter case the state of the corresponding object will clearly reflect processing of the pending action. For more information on the domain name states, reference is made to the response to Question 27 (Domain Name Lifecycle).

2.3. FUNCTIONALITY TO PROVISION REGISTRY SERVICES

To comply with the current EPP standard, a fully functional set of commands is at the Registrar's disposal. These functions are based on the CRUD (Create – Read – Update – Delete) principle. The state of the data is maintained by creating (C), reading (R), updating (U) and eventually deleting (D) the data from the database.

The following basic objects exist in the database:

- **Domain:** The domain object contains all relevant information to the domain name. This includes registration date, renewal date, status and DNSSEC key material.
- **Host:** A host object defines a hostname which might be linked to a domain

name. It is intrinsically needed to get the domain name working. It contains at least a domain name, possibly IP addresses and other references.

- Contact: The contact object specifies a person or an organization. It contains various fields to identify such party. When linked to a domain name, a specific role is attributed to the relation.

The following commands, per object, allow for the full CRUD cycle to be implemented conform the above specified relevant RFC's. Please note that the read commands as referred to in the CRUD terminology are defined as query commands in the EPP-centric documentation. All objects are attributed to a specific Registrar and remain under its supervision. No other Registrar is granted access to these objects.

Registrars should first verify if the object is manageable (and owned) by using the <check> command. To get the content of an object, use the <info> command.

(View attachment for Table 1: Commands per object type)

By assigning a Registrar to all objects, a unique identifiable party is assigned to any object as the owner that is allowed to change and delete the object. To maintain a history of all changes, both a full trace log identifying Registrar, IP address, time and command as well as a history of the objects are stored in the database. This allows for a swift reconstruction of any interaction with the system. For more information we refer to the response to Question 33 of the evaluation criteria (Database Capabilities).

To avoid confusion on the responsibility of contact objects, the Registry Operator will not allow transfers of such contact objects between Registrars. A contact object will always remain under maintenance of the Registrar that created it. As a consequence the Registry Operator will complete a transfer domain operation by implicitly cloning all contact objects attached to the domain under transfer, so that the gaining Registrar will have full control over his contact objects.

3. EPP EXTENSIONS

In order to be compliant with ICANN's Applicant Guidebook, an additional extension to maintain the domain object is needed to integrate with the Trademark ClearingHouse (Module V of ICANN's Applicant Guidebook).

At the moment, no party has been appointed to perform the TradeMark Clearinghouse function, hence no specifications for interfacing have been established.

The function of the TradeMark Clearinghouse is to enable trademark holders to register their right in a central database, from where the trademark holder receives a validation code that can be used to apply for a domain name in a new TLD.

To that extent, ongoing community effort led already to a Launch Phase Mapping for EPP. This Internet-Draft describes an extension mapping for EPP that specifies a flexible scheme that can be used to implement several common use cases related to the provisioning and management of launch phase extension in a domain name registry.

This mapping enables the Registrar to apply for/claim a domain name in the

sunrise phase using the Pre-Validation Result Code (pvrc) from the TM Clearinghouse.

4. SECURITY

It is imperative to make sure the service is not blocked by Denial Of Service attacks (DOS). To prevent this from happening, a number of security barriers are in place:

- rate limiting the number of connections on the border router;
- allowing only specific IP addresses specified by the Registrar;
- limiting the number of concurrent connections per Registrar.

The EPP service will run on its own virtual machine. Resources available to the machine are constantly monitored. Early warnings are sent out in case any of the resources are deemed to be inadequately provisioned.

Security is enhanced by limiting the access to the EPP server to a Transport Layer Security (TLS) connection using high-grade encryption.

The Registrar is authenticated using the predefined session commands as defined in the above RFCs. The initial credentials are exchanged between the Registry Operator and the Registrar over an out-of-band channel.

A strict object-to-Registrar link exists such that a Registrar can only view, access and modify its own managed objects.

5. RESOURCING PLAN

5.1. TECHNICAL RESOURCES

This service is delivered by a JAVA application running on a TOMCAT server. To ensure the database is consistent at all times, a lock is set per Registrar to ensure multiple connections set up by a Registrar are serialized at the application level. To maintain high speed at all time, a locking mechanism is also active at the domain name level, ensuring no two domain name registrations for the same domain name are modified, while still allowing the necessary concurrency.

Experience has learned that, under high load conditions, the bottleneck will rather be located at the database level, and not at the application level. If extra CPU power is required to deal with high volumes, an extra EPP service will be provided using an alternate IP address or using a load balancer.

To improve database security, the EPP server's access to the database is limited to a specific separate network. For a more complete and detailed picture, reference is made to the response to Question 32 of the evaluation criteria (System & Network Architecture).

5.2. PERSONNEL

With regards to resourcing, reference is made to the global resourcing scheme as part of response to Question 31 (Technical Overview of the Proposed Registry). Implementation and maintenance of the Extensible Provisioning Protocol is under the authority of the Software Developer, under control of the Operations Manager. The technical infrastructure is implemented and maintained by the Network & System Administrator.

26. Whois

1. OVERVIEW

The Registry Operator will operate a WHOIS service available via port 43 in accordance with RFC3912. This standard service is intended as a lookup service for Registry Operators, Registrars, Registrants, as well as for other individuals and businesses that wish to query details of domain names or nameservers stored in the domain name Registry and that are public. The standard WHOIS service provides a central location for all authoritative data the Registry has on the domain name. The Registry Operator also provides a front-end web interface to allow for convenient user access to the WHOIS service.

The Registry Operator will also operate a Domain Availability Service (DAS) via port 4343. Reference is made to section 5 of this response for further detail.

All WHOIS/DAS services are connected to the main domain name Registry database. If and when it is necessary for operational stability reasons, the WHOIS server can be duplicated, and connected to one or more read-only hot standby database mirrors. These mirrors are updated a-synchronously via streaming replication, which results in a near real-time data duplication.

2. WHOIS SERVICE

2.1. RFC-3912 COMPLIANT WHOIS

The RFC3912-conformant WHOIS service is engineered to handle moderate transaction load and is part of the standard suite of Registry Services. The WHOIS service will return a single response per domain name or nameserver query. The RFC3912-conform WHOIS service will comply with the requirements of Specification 4 of the Registry Agreement.

The RFC3912-compliant service provided by the Registry Operator will have the following features:

- Standard protocol accessible over the common WHOIS port 43;
- Near real-time updates;
- The format of responses follows a semi-free text format outline below, followed by a blank line and a legal disclaimer specifying the rights of the Registry Operator, and of the user querying the database;
- Each data object is represented as a set of key-value pairs, with lines beginning with keys, followed by a colon and a space as delimiters, followed by the value;
- For fields where more than one value exists, multiple key-value pairs with the same key are allowed (for example to list multiple name servers). The first key-value pair after a blank line should be considered the start of a new record, and should be considered as identifying that record, and is used to group data, such as hostnames and IP addresses, or a domain name and Registrant information, together; and
- The format of the following data fields is: domain status, individual and

organizational names, street, city, state/province, postal code, country, telephone and fax numbers, email addresses, date and times conform to the mappings specified in EPP RFCs 5730-5734 so that the display of this information (or values return in WHOIS responses) can be uniformly processed and understood.

2.2. WHOIS SERVICE DATA ELEMENTS

The RFC3912-conform service will include the following data fields:

- The name of the domain name registered;
- The IP addresses of the primary nameserver and secondary nameserver(s) of the name registered, if applicable, and the corresponding names of those nameservers;
- The identity of the Sponsoring Registrar;
- The original creation date and term of the registration;
- The name, postal address, e-mail address, voice telephone number, and (if available) fax number of the domain name Registrant;
- The name, postal address, e-mail address, voice telephone number, and (if available) fax number of the technical contact for the domain name registered;
- The name, postal address, e-mail address, voice telephone number, and (if available) fax number of the administrative contact for the domain name registered; and
- The occupation, speciality, license id, license issuing authority, last verification date of the registrant; these information are provided by the Medical Clearinghouse.

2.3. WHOIS DATA UPDATE FREQUENCY

The Registry Operator will be running a thick registry model, so the data will be readily available and doesn't need to be collected from the Registrars. The WHOIS service will query the main database, or, if database load or operational reasons demand, will query a hot standby read-only database mirror. In case of querying the main database, the data is always up-to-date, in case of querying a mirror database, the data is updated continuously via streaming replication and is near real time up-to-date (in a matter of seconds or minutes).

2.4. PRIVACY CAPABILITY

The Registry Operator will protect the privacy of an individual where required. If the Registrant of a domain name is an individual, the WHOIS service could disclose only limited information on the Registrant. If the Registrant wishes to disclose more information, he can instruct the Registrar to update the corresponding contact object in the Registry database (e.g. using the <contact:disclose> statement in EPP according to RFC5733).

If legislation mandates to avoid automatic harvesting of the Registrant's details (because port 43 WHOIS is plain text), the WHOIS service could omit the Registrant details and refer the initiator of the query to the web-based WHOIS where the WHOIS data will be disclosed in a multiple-step process.

2.5 QUERY CONTROL – OBJECT TYPE CONTROL

The following keywords restrict a search to specific object type:

- Domain: Search only by domain objects. The input string is searched in the Domain Name field.
- Contact: Search only contact objects. The input string is searched in the Contact ID field.
- Nameserver: Search only by nameserver objects. The input string is searched in the nameserver field and the IP address field.
- Registrar: Search only Registrar objects. The input string is searched in the Registrar ID and Registrar Name fields.

By default, if no object type control is specified, then the Name field of the Domain object is searched.

3. WHOIS OUTPUT FIELDS

3.1. DOMAIN RECORDS

3.1.1. INTRODUCTION

The WHOIS server can answer a domain name query in three different ways:

- The domain name is registered in the domain name registry database, a typical response is detailed in section 3.1.2;
- The domain name is not registered, nor available for registration, because of various reasons, such as appearing on the blocked or reserved list, as specified in the Applicant Guidebook (see article 2.6 of the Registry Agreement), or for policy reasons. A typical response is detailed in section 3.1.3.
- The domain name registry has no information on the domain name in the request. A typical response is detailed in section 3.1.4.

3.1.2. DOMAIN NAME IS REGISTERED

A WHOIS query that results in domain name information will return the following fields from the domain object and the associated data from host and contact objects. This set of data is also referred to as the Domain Record.

- Domain Name;
- Domain ID;
- Domain Status (several domain status codes can be shown here, such as OK or INACTIVE, a pending action status and/or restriction flags. An overview can be found in the response to Question 27 on Domain Name Lifecycle);
- Sponsoring Registrar (IANA-assigned identifier) and name of Registrar
- Registrant, Administrative, Technical Contact Information including:
 - * Contact ID

- * Contact Name
- * Contact Organization
- * Contact Address, City, State/Province, Country
- * Contact Postal Code
- * Contact Phone, Fax, E-mail
- Names of Nameservers and IP addresses (IPv4 and/or IPv6) associated with this domain
- Creation Date
- Domain Expiration Date
- Domain Last Updated Date
- DNSSEC status of delegation (signedDelegation, unsigned)

For domain names that are registered in the sunrise phase, the WHOIS can show additional labels containing sunrise information (depending on the information provided by Trademark ClearingHouse, in accordance with Specification 7 in the Applicant Guidebook).

Because registered domains are subject to approval by the Medical ClearingHouse, the WHOIS will show additional labels containing information provided by the said Medical ClearingHouse, in accordance with Specification 4 in the Applicant Guidebook.

An example of the extra labels provided by the Medical ClearingHouse is:

```
MCH Registrant Occupation: Physician
MCH Registrant Speciality: Family doctor
MCH Registrant Licence: 12345678
MCH Registrant Licence Issuing Authority: Example State Medical Board
MCH Registrant Last Verification Date: 2013-04-06T12:35:49+02:00
MCH Registrant Professional Information: http://mch.med/12345678
```

3.1.3 DOMAIN NAME IS NOT REGISTERED, BUT NOT AVAILABLE

A WHOIS query for a domain name that is not registered in the domain name Registry database, but is also not available for registration, will result in a single line with the reason of non-availability (f.i. "Reserved by Registry" or "Blocked by Registry").

3.1.4 NO INFORMATION ON DOMAIN NAME

A WHOIS query for a domain name for which the domain name registry has no information, will result in a single line stating "NOT FOUND".

3.2. NAMESERVER RECORD

A WHOIS query that results in nameserver information will return the following (this set of information is referred to as the Nameserver Record):

- Nameserver name
- IP address (if applicable, IPv4 and/or IPv6)

- Sponsoring Registrar (IANA-assigned identifier)

3.3. CONTACT RECORD

A WHOIS query that results in contact information will return the following. This set of information is referred to as the Contact Record.

- Contact ID
- Contact Name
- Contact Organization
- Contact Address, City, State/Province, Country + 3 street fields
- Contact Postal Code
- Contact Phone, Fax (if available), E-mail
- Create Date
- Contact Last Updated Date
- Contact Status (several contact status codes can be shown here, such as OK or LINKED, a pending action status and/or restriction flags)
- Sponsoring Registrar (IANA-assigned identifier)

3.4. REGISTRAR RECORD

A WHOIS query that results in Registrar information will return the following (this set of information is referred to as the Registrar Record):

- Registrar ID (conforming to the IANA Registrar-ids registry)
- Registrar Name
- Registrar Address, City, State/Province, Country
- Registrar Postal Code
- Registrar Phone, Fax, E-mail
- Registrar Administrative Contacts
- Registrar Technical Contacts
- Registrar Billing Contacts

4. MEASURES FOR ABUSE MITIGATION

Measures are taken to protect the WHOIS port 43 service against bulk access:

- The number of queries is limited per querying IP address in two different ways: a maximum number of queries per second, and a capped number of queries per hour. Excessive querying will result in a denial of the result of the query.
- The web-based WHOIS implements a multiple-step process to obtain the queried data, and is protected by a CAPTCHA image. Here the number of queries per day per IP address is also capped.

- Data-mining techniques are implemented to monitor the distribution of the querying client's IP addresses. Anomalies will be brought under the attention of the Registry Operator for further evaluation.

Often the reason for bulk access to the WHOIS service is querying the availability of the domain name (e.g. from Registrar's web front-ends). Therefore the domain name Registry Operator will also introduce a Domain Availability Service (DAS).

5. DOMAIN AVAILABILITY SERVICE (DAS)

The DAS service will run on port 4343 and implements a very simple protocol, similar to the WHOIS protocol. The DAS service only indicates whether the given domain name is still available for registration or not, thereby not giving more information regarding the Registrant.

The query format:

```
whois -p 4343 EXAMPLE.TLD
```

The response format:

```
Domain Name: EXAMPLE.TLD  
Available: yes
```

```
Domain Name: EXAMPLE.TLD  
Available: no
```

Bulk access to the DAS service is not discouraged, but, if required by stability concerns, the number of queries per second can be capped.

6. SEARCHABLE WHOIS CAPABILITIES

The web-based WHOIS service will also offer the possibility to partially match the domain name field. The search string must be at least 4 characters, and the wildcard operator '*' must be added at the beginning and/or at the end of the search string. The WHOIS service will then return a HTML page with a maximum of 10 matching domain names, which can be clicked to view full details.

The search capabilities can only be explored by legitimate authorized users. Candidate users of this service need to apply for access to these features, giving a legitimate reason why they would need the service.

If the applicable privacy laws and policies allow to do so, more search capabilities can be enabled on the web-based WHOIS service, conform to Specification 4 of the Applicant Guidebook.

To prevent abuse of the service, all queries are stored per user. The number of queries per month is capped.

The searchable WHOIS capabilities offers the same privacy rules as described above.

Security and StabilityThe WHOIS setup has multiple overload protection systems in place:

- At the border of the network, rate limiting is implemented;
- The stateful firewall prevents abuse from a single IP address;

- The IDS-IPS prevents malformed WHOIS requests from passing;
- To be able to maintain a high load of WHOIS queries, a cluster of virtual machines is set up. By using port replication or broadcast MAC, no load-balancing single points of failure are introduced;
- If the WHOIS service load on the database experiences decreasing performance, as many extra read-only copies of the Registry database as needed can be set up and used by the WHOIS server(s) to provide extra WHOIS capacity. The capacity of the WHOIS service is therefore only capped by the rate limiting that is implemented at the network edge;
- All WHOIS (port 43) cluster nodes run as separate virtual machines.

(View attachment for Figure 1: WHOIS Network & Infrastructure Overview)

7. RESOURCING PLAN

With regards to resourcing, reference is made to the global resourcing scheme as part of response to question 31 (Technical Overview of the Proposed Registry). Implementation and maintenance of the WHOIS and DAS is under the authority of the Software Developer, under control of the Operations Manager. The technical infrastructure is implemented and maintained by the Network & System Administrator.

27. Registration Life Cycle

1. Overview

The registration life cycle for .MED Domain Name Registry is etched on the life cycle of an open brand TLD.

However a stricter registration policy will be applied: at all times the registration of a domain name will be subject to validation by at least one Clearinghouse. During sunrises A and B, the Trademark Clearinghouse will be consulted. Outside sunrise A, a specific .MED Clearinghouse (Medical Clearinghouse) will be used. Also the request to update the registrant handle (change of ownership) will be passed to the Medical Clearinghouse .

The following sections give an overview of the different actions that the Registrar can perform to influence the state of a domain name. Some might just change the state of the domain name. Others might alter the domain name's information such as name servers, contacts, DNSSEC keys and client flags.

Some actions also involve interaction from the domain name Registry Operator.

The domain name Registry Operator will never allow free domain name registrations: all requests to register a domain name will need validation by a clearinghouse. Hence the Domain Name Registry will be operating in a permanent sunrise regime.

2. REGISTRATION LIFECYCLE

The time line of a domain name is schematically provided in Figure 1.

(View attachment for Figure 1: Domain Timeline)

The following paragraphs provide more detail on the different steps in the time line.

2.1 REGISTRATION (UNDER SUNRISE REGIME)

- The Domain Name Registry Operator receives the domain create command
- The domain name goes into state pendingCreate
- The clearinghouse does validation of the domain name for the registrant
- The domain name is registered if properly validated, or canceled otherwise.

2.2 UPDATE

- Add, remove or change of tech, admin, billing contact handle possible
- Add, remove or change of name servers possible
- Add, remove or change of DNSSEC keys possible
- Update registrant handle will put the domain name in the pendingUpdate state. The change of ownership has to be validated by the Medical Clearinghouse. The update proceeds if the validation is successful, or it will be canceled otherwise. A successful update of the registrant handle will result in the extension of the registration period with one year. Regardless the outcome of the validation by the clearinghouse, the operation will be billed to the registrar.

2.3. TRANSFER

- Transfer: change of Registrar
- Transfer command secured by authentication code
- Losing Registrar notified to accept or reject the transfer (after consulting registrant and/or admin contact)
- A successful transfer extends the registration period with one year (up to a maximum of ten years)

2.4. RENEW

Registrars use the Renew Domain command to extend the registration period of a domain name. A Registrar can only renew domain names for which it is the sponsoring registrar. The Renew Domain command can be specified with a registration period, from one to ten years. The resulting expiry date must not lay further than 10 years in the future.

- No auto renew by the Domain Name Registry on expiration of the domain name.
- Explicit renewal of period needed in advance of the expiry date (registration period can be extended up to 10 years)

2.5. DELETE

- Deletion puts domain name in redemption status

- Deleted from zone file instantly (serverHold)

2.6. REDEMPTION

- Domain name is no longer available in zone file (serverHold)
- Domain name can be restored before the end of the redemption grace period (RGP)
- The domain name will be purged after the pendingDelete interval

2.7 AVAILABLE

Domain name comes back in the pool of available domain names.

3. RFC5731-COMPLIANT DOMAIN NAME STATUS CODES

The status information on a domain name is in line with the flags described in RFC5731, section-2.2 and section 2.3. It is a combination of the following Status Value Descriptions:

- clientDeleteProhibited, serverDeleteProhibited: Requests to delete the domain name will be rejected.
- clientHold, serverHold: DNS delegation information is not published for the domain name.
- clientRenewProhibited, serverRenewProhibited: Requests to renew the domain name are rejected.
- clientTransferProhibited, serverTransferProhibited: Requests to transfer the domain name are rejected.
- clientUpdateProhibited, serverUpdateProhibited: Requests to update the domain name, other than to remove this status, are rejected.
- inactive: Delegation information has not been associated with the domain name. This is the default status when a domain name is first created and there are no associated host objects or attributes for the DNS delegation. This status can also be set by the server when all host-object associations are removed.
- ok: This is the normal status value for a domain name that has no pending operations or prohibitions. This value is set and removed by the server as other status values are added or removed.
- pendingCreate: Request to create a new domain name has been received and is being processed or evaluated.
- pendingDelete: Request to delete an existing domain name has been received and is being processed or evaluated.
- pendingRenew: Request to renew an existing domain name has been received and is being processed or evaluated.
- pendingTransfer: Request to transfer an existing domain name has been received and is being processed or evaluated.
- pendingUpdate: Request to update an existing domain name has been received and is being processed or evaluated.

Following combinations are excluded:

- ok cannot be combined with any other status
- pendingDelete status cannot be combined with clientDeleteProhibited or serverDeleteProhibited status
- pendingRenew cannot be combined with clientRenewProhibited or serverRenewProhibited status
- pendingTransfer status cannot be combined with clientTransferProhibited or serverTransferProhibited status
- pendingUpdate status cannot be combined with clientUpdateProhibited or serverUpdateProhibited status
- pendingCreate, pendingDelete, pendingRenew, pendingTransfer and pendingUpdate cannot be combined

The status flags starting with the word 'client' can be changed and updated by the Registrar. The status flags starting with 'server' are handled by the domain name Registry Operator.

The Domain Name Registry will implement the above statuses in full.

4. RFC3915-COMPLIANT DOMAIN NAME STATUS CODE

These flags are referred to as the RGP flags (Registry Grace Period). The following flags are defined and can be found in a separately available EPP extension called the RGP extension (RFC3915).

- addPeriod: This "add grace period" is provided after the initial registration of a domain name. If the domain name is deleted by the registrar during this period, the domain name registry provides a credit to the registrar for the cost of the registration.
- autoRenewPeriod: This "auto-renew grace period" is provided after a domain name registration period expires and is extended (renewed) automatically by the registry. If the domain name is deleted by the registrar during this period, the registry provides a credit to the registrar for the cost of the renewal.
- renewPeriod: This "renew grace period" is provided after a domain name registration period is explicitly extended (renewed) by the registrar. If the domain name is deleted by the registrar during this period, the registry provides a credit to the registrar for the cost of the renewal.
- transferPeriod: This "transfer grace period" is provided after the successful transfer of domain name registration sponsorship from one registrar to another registrar. If the domain name is deleted by the new sponsoring registrar during this period, the registry provides a credit to the registrar for the cost of the transfer.
- redemptionPeriod: This status value is used to describe a domain for which a <delete> command has been received, but the domain has not yet been purged because an opportunity exists to restore the domain and abort the deletion process. This status must be combined with the pendingDelete status in the EPP domain mapping.

- **pendingRestore:** This status value is used to describe a domain that is in the process of being restored after being in the redemptionPeriod state. This status must be combined with the pendingDelete status in the EPP domain mapping.
- **pendingDelete:** This status value is used to describe a domain that has entered the purge processing state after completing the redemptionPeriod state without successful restoration. This status must be combined with the pendingDelete status in the EPP domain mapping.

The Domain Name Registry will partially implement the above RGP statuses: the statuses concerning the redemption of the domain name (redemptionPeriod, pendingRestore, pendingDelete).

The following statuses will not be implemented:

- **addPeriod:** since all registrations pass through a permanent sunrise using a Clearinghouse, no domain name tasting is implemented;
- **autoRenewPeriod:** because the domain name registry does not automatically renew domain names;
- **renewPeriod:** because the registrar has explicitly and successfully issued the renew command, no refund is granted;
- **transferPeriod:** because the registrar has explicitly and successfully issued the transfer command, no refund is granted.

5. STATUS CODE MATRIX

There are two types of status values. These may change as a result of the Client initiating a transform command referring to the commands referenced in the 'Client' column or by the domain name Registry referring to the 'Server' column. The last column referred to as 'General' contains flags that transitional status values.

(View attachment for Table 1: Status Code Matrix)

The Prohibited flags have no influence on the status of the domain object. They prevent the denoted command from being executed on the domain name object. As such when set, they prevent the transform command from being executed and hence block the specified domain name life cycle transition. They have no influence on state of the domain name object.

6. STATUS TRANSITIONS

6.1. GLOBAL STATUS TRANSITIONS

The following domain name states can be determined:

- The domain name status is defined as 'available for registration' (in short 'available') if the domain name is conform to the registration policy and the domain name object does not exist.
- The domain name is registered (no pending actions).
- The domain name has a pending action. This can be one of the following
 - * pendingCreate
 - * pendingTransfer

- * pendingDelete
- * pendingUpdate
- * pendingRenew

(View attachment for Table 2: Exhaustive list of transitions)

Some transitions might be influenced by the registration policy. For instance:

- The create has to be verified by the domain name Registry to see if no conflicts or infringements are detected.
- The name servers added to the domain name object have to comply with certain rules set forth in the policy.
- Change of ownership has to be verified.
- Domain name matches predefined rule set needing registry acceptance.

This is a non-exhaustive list which should reflect domain name registration policy regulations.

6.2. REGISTRY GRACE PERIOD STATUS TRANSITIONS

The following domain name states are added to the domain name object when it has the EPP pendingDelete status:

- redemptionPeriod
- pendingRestore
- pendingDelete

(View attachment for Table 3: Exhaustive list of 3c pendingDelete state transitions)

6.3. REGISTRATION STATE DIAGRAM

The Registration state diagram shows all possible states and transactions between those states.

The domain name life cycle can be found in the attached flow chart.

(View attachment for Figure 2: Registration State Diagram)

7. TRANSITION COMMANDS

The following domain object commands can be used to trigger status transitions:

(View attachment for Table 4: Transition commands)

8. REGISTRY TRANSITIONS

The following domain object commands can be used to trigger status transitions:

(View attachment for Table 5: Registry status transitions)

9. RESOURCING PLAN

With regards to resourcing, reference is made to the global resourcing scheme as part of response to Question 31 (Technical Overview of the Proposed Registry). Implementation and maintenance of the Registration Lifecycle in the Registry Platform is under the authority of the Software Developer, under control of the Operations Manager.

28. Abuse Prevention and Mitigation

1. INTRODUCTION

Next to ensuring that a TLD is operated in a technically stable and secure manner, it is also of utmost importance that the Internet community at large is safeguarded from abusive and malicious behavior. Existing TLDs have often suffered from such behavior and, gradually, best practices have been developed in order to not only counter abusive or malicious conduct, but also prevent such issues from happening.

Abusive use of a domain name generally includes, but is not limited to the following:

- illegal or fraudulent actions;
- using domain names in the TLD in order to send or forward unsolicited bulk messages, generally referred to as "spam";
- distribution of malware: using domain names in order to disseminate software (e.g. computer viruses, key loggers, etc.) that is designed to damage or harm the integrity of computers;
- phishing: displaying web pages that are intended to mislead Internet users, with the aim of obtaining in a malicious manner from such users their sensitive data such as logins and passwords of the pirated websites;
- pharming: redirecting Internet users to fraudulent website, which is generally done by hijacking or poisoning the DNS or changing host files on the victim's computer;
- fast-flux hosting and botnets;
- Illegal access to Other Computers or Networks: Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity);
- Using domain names in the TLD in order to disseminate illegal content, such as child pornography

Given the fact that the applied-for TLD will likely be and remain a single registrant TLD, as explained in our response to Question 18 et seq., where only members of HEXAP will be entitled to register domain names in the TLD, the likelihood for any such abusive behavior in this TLD to materialize is

lower. Nonetheless, HEXAP commits to implement the preventive and curative measures described in the following paragraphs, in order to ensure that the applied-for TLD is operated in a responsible manner.

2. CONTROL

HEXAP / Registry Operator will put in place various tools in order to mitigate or even exclude the possibility that the reputation of the .MED TLD is not harmed in any way. Especially, these tools and techniques will ensure that HEXAP will have the ability at all times to exercise control over:

- the registrant;
- the domain name;
- the contact information associated with any domain name; and
- the products, services and information provided under such domain name.

In order to effectuate this, a limited number of identified individuals within HEXAP's organization will be able to control the applied-for TLD and any and all domain names registered therein from one portal, which has the following functionalities:

- validating the registrant's eligibility and user rights in order to register domain names in the applied-for TLD;
- validating whether an (about to be) registered domain name in the applied-for TLD corresponds to the naming conventions that will be established by the Registry Operator for domain names registered in the applied-for TLD;
- validating contact information associated with registered domain names, in particular these contacts that can exercise control over the domain name itself, the name servers associated with such domain name, etc.;
- validating specific commands, including create, update and delete commands;
- approving for some or all domain names any transfer or trade requests, or intervene in the execution of such requests where the Registry Operator suspects that such transfer or trade requests are initiated in bad faith; and
- review whether the use that is made of a particular domain name corresponds with the Registry Operator's use policy, and suspend domain name registrations or even delete name servers associated with domain names that are being used in a manner that does not comply with the types of uses that are allowed by the Registry Operator.

Bearing in mind that the registry is intended to be single registrant-registry only certain individuals are involved in above mentioned processes, reducing the risk of registering and/or using domain names in bad faith by any party that is not a member of HEXAP's organization.

Access to this portal will be given to the administrators of the Registry Operator; furthermore, the Complaints Point of Contact will also obtain access to a limited number of features explained above.

3. REPORTING

Also, the Registry Operator will obtain access to reports generated by its back-end registry services provider, which reports include:

- number of DNS queries for each particular domain name registration;
- number of new domain names registered;
- number of new contacts created;
- etc.

If any suspicious activity is being detected following analysis of these reports, the Registry Operator will thoroughly investigate the matter and take appropriate action where required.

4. ANTI-ABUSE POLICY

Prior to the delegation of the TLD, the Registry Operator will publish the terms and conditions for the registration of domain names in the applied-for TLD, which will include an anti-abuse policy. Highlights of such policy will include:

- **Complaints Point of Contact:** the Registry Operator will put in place a Complaints Point of Contact. The Complaints Point of Contact's contact details will be mentioned on the home page of the Registry Operator, including on the web-based WHOIS interface.

5. MONITORING

The Registry backend service provider, appointed by HEXAP, will put in place certain tools and methodologies in order to proactively screen for malicious conduct. Such tools include scanners that automatically scan for viruses or other forms of malware on all services deployed under applied-for domain names.

These tools will operate in the background, and will not effect the functioning of the applied-for TLD.

6. PREVENTION OF ORPHAN GLUE RECORDS

In compliance with SSAC recommendations, the Registry backend service provider, appointed by HEXAP, will check for the existence of glue records following the receipt of a deletion request for a particular domain name registration. If it would appear that no other domain names other than the domain name that is up for deletion are using the glue records associated with that domain name registration, the Registry Operator will remove such glue records after the domain name is deleted.

Furthermore, any interested party will be entitled to file a complaint before the Complaints Point of Contact if it would appear that orphan glue records would still exist. If it would appear, following investigation by the Registry Operator, that orphan glue records would still exist in the zone file, such records will be promptly deleted from the zone file.

6.1 GLUE RECORD

RFC 1034 defines glue as:

A zone contains "glue" resource records which are not part of the authoritative data, and are address resource records for the servers.

And specifies further that:

These resource records are only necessary if the name server's name is "below" the cut, and are only used as part of a referral response.

In this specific case a glue record is the IP address of a name server held at the domain name registry. They are required when a set of name servers of a domain name point to a hostname under the domain name itself. For example, if the name servers of example.com are ns1.example.com and ns2.example.com: to make the domain name system work, glue records (i.e. the IP addresses) for ns1.example.com and ns2.example.com are required. Without the glue records for these name servers the domain name would not work as anyone requiring DNS information for it would get stuck in a loop.

Example:

```
What is the name server for example.com? -> ns1.example.com
What is the IP address of ns1.example.com? -> don't know, try looking at
name server for example.com
What is the name server for example.com? -> ns1.example.com
With the glue record in place the registry will hold the IP address and
the loop will not occur.
```

Example:

```
What is the name server for example.com? -> ns1.example.com
What is the IP address of ns1.example.com? -> [IP Address]
```

6.2. ORPHAN GLUE

The zone generation process could publish A-records "address-records" (also called "glue" records) regardless of whether or not the name server is referenced by any NS (name server) records. If an A-record is published and no zone delegations reference to such a record, it is called an orphan. Its presence in the zone is undesirable for a number of reasons, both administrative and technical.

6.3. OUT-OF-BAILIWICK RECORDS

Records pointing to names of other zones besides the relevant registry zone, are called out-of-zone records or even out-of-bailiwick records. Any IP addresses linked to these names should in all circumstances be refused by the registry since they do not form part of the registry's zone. Most modern nameserver software will ignore these records by default.

6.4. EXCLUSION

Glue records can only be inserted following the registration of a domain name and the creation of a host object. They can also only be included when the name servers have the same extension as the domain name.

Example:

A glue record can only be inserted if the name server of example.com is located in example.com

These address records only live by the grace of the domain name itself. Since the IP address is always linked to the domain name, the address will also disappear from the zone as soon as the domain name is eliminated from the registration database. This limits the possibility to register name servers within a domain name, because setting up circular referencing name servers is not allowed. In view of the

possible risks and dangers, this is a very balanced choice of limitations and it allows for a flexible and consistent handling of glue records.

7. WHOIS ACCURACY

The Registry Operator will include in its domain name registration policies the obligation to keep all information contained in the WHOIS accurate and up-to-date.

As mentioned in response to Question 26, the applied-for WHOIS will be a "thick" WHOIS, where all key contact data relating to every domain name registered in the applied-for TLD will be stored at the level of the Registry Operator.

Working closely with the accredited registrars for the applied-for TLD, Registry Operator will put in place measures whereby registrants are obliged to keep their WHOIS information accurate and up-to-date. Clauses will be inserted in the Registry-Registrar Agreement to that effect, in particular:

- under the terms of the Registry-Registrar Agreement, accredited registrars will be required to impose upon their clients the obligation to maintain accurate and up-to-date WHOIS data at all times;
- furthermore, accredited registrars will be instructed to send their customers who have registered a domain name in the TLD a request to confirm the accuracy of their WHOIS data and/or an email message whereby their obligation to keep WHOIS data accurate and up-to-date will be restated.
- accredited registrars will have to demonstrate, upon the Registry Operator's request, their compliance with the above, as well as any changes that have been made to WHOIS data following submission of such instructions.

The above processes and requirements will in particular be relevant as of the moment that the applied-for TLD will no longer be a single registrant TLD, which entails that certain parties, other than the Registry Operator, will be entitled to register domain names in this extension.

Furthermore, HEXAP < Registry Operator will display on the web-based WHOIS interface a link to the Complaints Point of Contact. Any party who is of the opinion that certain WHOIS data is inaccurate, incomplete or not up-to-date can contact the Complaints Point of Contact. The latter has the authority to commence investigations, and - in case of registrant non-compliance - take measures against such registrant. These measures include, but are not limited to, putting the domain name on hold, or revoking the domain name registration.

8. WHOIS ABUSE PREVENTION MEASURES

Considering the fact that a WHOIS database contains quite some sensitive information that is available to Internet users at large over a web-based interface, the Registry Operator will put in place various methods in order to avoid abuse of such information by third parties.

First of all, the Registry Operator will only display search results in response to a search query after the user has successfully entered the displayed CAPTCHA code together with such query, this in order to prevent the automatic harvesting of WHOIS data.

Furthermore, private individuals (if at all allowed by HEXAP < Registry

Operator to register and hold domain names within the TLD) will be allowed to indicate - through their registrars or via a web-based portal provided by HEXAP - Registry Operator - that certain personal data will not be automatically displayed following a successful WHOIS query. This measure is taken in order to comply with particular applicable laws and regulations regarding data privacy.

However, parties demonstrating to the Registry Operator that they have a right or legitimate interest in order to obtain access to this hidden data can request access to a particular, identified record upon request to the Registry Operator. Positive responses to legitimate requests shall not be unreasonably withheld or delayed.

The features described above can be temporarily or permanently disabled for specific eligible parties, such as law enforcement agencies, and this upon simple request by a competent authority. These eligible parties will then obtain access to all WHOIS information via a secure, web-based portal.

29. Rights Protection Mechanisms

1. INTRODUCTION

As has been explained above, the Registry Operator HEXAP intends the applied-for TLD to be a restricted and closely monitored gTLD. This characteristics are mainly inspired by HEXAP's desire to protect the reputation of the .MED TLD under any circumstances.

2. PREVENTING ABUSIVE DOMAIN NAME REGISTRATIONS

In order to prevent abusive domain name registrations in the applied-for TLD, various steps in the domain name lifecycle will be controlled by HEXAP. In order to enable HEXAP to do this, it will provide access to a control panel ("portal") to key individuals within HEXAP's organization. By way of this portal, these users can exercise at any time control over the applied-for TLD and any and all domain names registered in this extension, and in particular:

- 1) validate on an ongoing basis the registrant's eligibility and user rights in order to register domain names in the applied-for TLD;
- 2) validate whether a (about to be) registered domain name in the applied-for TLD corresponds to the naming conventions that will be established by the Registry Operator for domain names registered in the applied-for TLD;
- 3) validate contact information associated with registered domain names, in particular these contacts that can exercise control over the domain name itself, the name servers associated with such domain name, etc.;
- 4) validate specific commands, including create, update and delete commands;
- 5) approve for some or all domain names any transfer or trade requests, or intervene in the execution of such requests where HEXAP suspects that such transfer or trade requests are initiated in bad faith; and
- 6) review whether the use that is made of a particular domain name corresponds with HEXAP's use policy, and suspend domain name registrations or even delete name servers associated with domain names

that are being used in a manner that does not comply with the types of uses that are allowed by HEXAP.

Therefore, it is likely that for the term of the Registry Operator Agreement that will be executed between HEXAP and ICANN following award of the applied-for TLD by the latter to HEXAP, the Registry Operator will carefully monitor and manage all domain name registrations that are being made in the applied-for TLD.

This way, HEXAP will put measures in place on a continuous basis whereby, first of all, the rights and legitimate interest of third parties are safeguarded, and, secondly, the reputation and good name of the .MED TLD will be underlined at all times.

3. INTERNAL VERIFICATION AND VALIDATION PROCESSES

One of the most effective safeguards that will be implemented by HEXAP will be the screening of every domain name before this domain name gets registered and/or entered into the zone file of the applied-for TLD.

During any of such screenings, the relevant legal and risk management departments of HEXAP will consider the following factors:

- the likelihood of trademark infringement, if and when such domain name would become registered;
- any potential harm being done to trademark owners when registering and using a particular domain name in the applied-for TLD, and the benefit such domain name would have for the registrant.

Furthermore, as explained above and in various other sections of this application, HEXAP will be screening on an ongoing basis the use that is being made of any domain name registered in the applied-for TLD and will implement reasonable measures in order to avoid harm being done to third parties.

Although the above processes will make it extremely unlikely that HEXAP will engage or encourage potentially malicious or infringing activities to be carried out under the applied-for TLD, these cannot be completely excluded.

Therefore, in addition to monitor any domain names registered under the applied-for TLD and the use that is made of such domain names, the Registry will - in accordance with its domain name registration policies - at all times be entitled to intervene if any such activities have been detected. Measures that can be taken include the suspension, revocation and blocking of any domain name registration and, in general, take any action necessary in order to limit or outright avoid any harm being done to the interests and reputation of third parties, the Registry Operator and its eligible registrants.

4. SUNRISE

When relevant, HEXAP will implement a Sunrise process, whereby holders of certain trademarks will be entitled to safeguard the domain names that are identical (or even confusingly similar) to the name(s) to which they hold rights.

Such process would therefore most probably include providing the opportunity to brand owners - unrelated to HEXAP - to register as .MED domain names or block names to which such brand owners have rights, as demonstrated by the Trademark Clearinghouse.

HEXAP's back-end registry operator OPEN REGISTRY has significant experience in managing Sunrise processes. In particular, various key staff members were heavily involved in designing and implementing Sunrise processes that preceded the launch of the .EU ccTLD, which is generally considered the most successful Sunrise process that has ever been implemented.

At the time of submitting this application, the back-end registry operator is involved in the implementation of the Sunrise process for the .SX TLD.

5. TRADEMARK CLAIMS

HEXAP will support ICANN's Trademark Claims process. Depending on the actual process that will be put in place by the Trademark Clearinghouse, HEXAP will implement these processes for at least the duration indicated in ICANN's Applicant Guidebook or may even have this process in place for a longer term.

Similar processes have been put in place by various staff members of HEXAP's back-end registry operator, so also here HEXAP can bow on significant and hands-on experience in handling these types of processes.

6. COMPLAINTS POINT OF CONTACT

As is the case for various other processes and proceedings whereby third parties' interests can be harmed, the Complaints Point of Contact that will be put in place by HEXAP will also here play a pivotal role.

Any party claiming that his trademark(s) are infringed due to the registration and use of a domain name in the applied-for TLD is able to file a complaint before the Complaints Point of Contact of HEXAP. Filing these complaints will be free of charge. The Complaints Point of Contact will generally provide a written response or even resolution of the matter within 5-10 business days following the receipt of the complaint.

Within this timeframe, the Complaints Point of Contact will investigate the complaint, and carry out ex officio investigations. As mentioned previously, the Complaints Point of Contact is entitled to suspend domain name registrations, delete name servers associated with infringing domain name registrations, or even outright revoke and block domain names from further registration if the Complaints Point of Contact is of the opinion that such domain name potentially infringes the rights of a third party, that no legitimate use is being made by the registrant of such domain name, and that there is bad faith involved.

It is the true desire of HEXAP to have potential issues resolved by the Complaints Point of Contact. Therefore costly litigation can be avoided and issues resolved amicably.

7. UDRP and URS

HEXAP will implement all domain name dispute resolution policies designed by ICANN, including but not limited to those described in Consensus Policies and Applicant Guidebook.

In this respect, HEXAP will put any registered domain name on hold following receipt of a notification from the Uniform Dispute Resolution Policy or the Uniform Rapid Suspension Policy dispute resolution service provider that a complaint under such policies have been received.

Furthermore, it will implement decisions rendered by such dispute resolution

service providers, however taking into account at all times that eligibility restrictions may be in force for domain name registrations made in the applied-for TLD.

This could entail that the only remedy available to a third party that is not entitled by HEXAP to register domain names in the applied-for TLD will be the revocation / deletion of the domain name. In order to ensure maximum compliance with any such decision, HEXAP will put such domain name on a blocked list (i.e. make this domain name unavailable for further registration) insofar and to the extent the UDRP / URS dispute resolution service provider was of the opinion that the domain name registered by any party other than the Registry Operator meets the requirements set out in the UDRP or URS.

8. RESOURCING PLAN

The Applicant foresees that less than 1 FTE resource will suffice in order to oversee and execute the tasks described herein, in addition to the technical and operational resources put at the disposal by OpenRegistry in this respect.

30(a). Security Policy: Summary of the security policy for the proposed registry

The Registry Operator has outsourced the technical back-end registry operations to OpenRegistry S.A., the (backend) Registry Service Provider. Within the OpenRegistry group, Sensirius, doing business as OpenRegistry Belgium, as an Affiliate of OpenRegistry S.A., is the operational entity that will be running the registry operations for the entire group.

The Registry Service Provider has put in place an Information Security Management System (ISMS) for its registry operation activities. For a full description of the ISMS, reference is made to the response to question 30b. The ISMS has been recently audited by Deloitte Bedrijfsrevisoren, Belgium. The report for this independent assessment of the security system is attached to question 30b.

For reasons of confidentiality, all elements related to security (including elements indicated in question 30a and a summary of the security policy) have been addressed in the response to question 30b. Attached to the response to question 30b are also the policies that are put in place by the Registry Service Provider for assuring the registry operations on behalf of the Registry Operator.

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HEXAP.



EXHIBIT 2



CONTRAT D'ENREGISTREMENT

PROMOPIXEL - 29, rue Popincourt 75011 PARIS
Tel. 01 42 05 62 71 Fax. 09 57 84 34 89 E-mail : infos@promopixel.com

N° TVA : FR06440586899 - R.C.S. PARIS B 440 586 899 (2003B13491)

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I. PRÉAMBULE

1. La société PROMOPIXEL Société à responsabilité limitée au capital de 10.000 euros, inscrite au Registre du Commerce et des Sociétés de Paris sous le numéro B 440 586 899.
2. La société PROMOPIXEL exerce une activité de registre sur des domaines de second niveau sous sa marque déposée SMALLREGISTRY.
3. Le Bureau d'enregistrement souhaite pouvoir offrir à ses Clients un ensemble de prestations relatives aux zones de nommage organisées par La société PROMOPIXEL.
4. Le Bureau d'enregistrement déclare bien connaître la ou les Chartes de nommage et leurs annexes applicables aux zones de nommage organisées par la société PROMOPIXEL et auxquels il déclare souscrire sans réserve.
5. Le Bureau d'enregistrement déclare détenir le savoir-faire, l'expérience, les compétences et les ressources techniques et humaines nécessaires pour satisfaire les demandes de ses clients au regard, notamment, des termes des Chartes de nommage applicables.

II. DÉFINITIONS

1. Pour les besoins des présentes, les termes suivants sont définis ainsi qu'il suit :

- **« Acte d'administration »** : terme générique englobant l'ensemble des actes à caractère administratif ou technique réalisés par la société PROMOPIXEL et relatifs à un nom de domaine.
- **« Bureau d'enregistrement »** : personne morale qui, dans le cadre du contrat conclu avec la société PROMOPIXEL, fournit des services d'enregistrement de noms de domaine auprès de ses clients.
- **« Charte de Nommage »** : document définissant les règles techniques et administratives permettant de procéder à un acte d'administration sur un nom de domaine. La charte est complétée par un ensemble de documents (guide des procédures etc.) et d'informations accessibles directement auprès de la société PROMOPIXEL sur simple demande.
- **« Client »** : toute personne physique ou morale qui demande, par l'intermédiaire d'un Bureau d'enregistrement, un acte d'administration sur un nom de domaine.
- **« Forfait annuel »** : montant dû chaque année à La société PROMOPIXEL par le Bureau d'enregistrement permettant d'accéder aux services d'enregistrement de nom de domaine
- **« Nom de domaine orphelin »** : nom de domaine valablement enregistré dont la gestion n'est plus assurée par un Bureau d'enregistrement.
- **« Registre »** : La société PROMOPIXEL, en tant que personne morale chargée d'attribuer et de gérer les noms de domaine de l'internet, au sein des domaines sectoriels de second niveau dont elle a la responsabilité.

III. OBJET

1. Le présent contrat a pour objet de définir les relations contractuelles entre la société PROMOPIXEL en sa qualité de Registre et les Bureaux d'enregistrement.

IV. DOCUMENTS CONTRACTUELS

1. Les documents contractuels qui lient La société PROMOPIXEL et le Bureau d'enregistrement sont par ordre de priorité :
 - le présent contrat (ci-après désigné « le contrat d'enregistrement ») ;
 - l'Annexe 1 « Barème de facturation » ;
 - l'Annexe 2 « Autorisation de prélèvement » ;
 - l'Annexe 3 « Identification du bureau d'enregistrement ».
2. En cas de contradiction entre les documents de nature différente et de rang différent, les dispositions contenues dans le document de rang supérieur prévalent.

V. ENTRÉE EN VIGUEUR - DURÉE – RENOUVELLEMENT

1. Le contrat entre en vigueur à compter de son acceptation par le Bureau d'enregistrement.
2. Pour la première année, le contrat est applicable pour une période expirant le 31 décembre de l'année civile en cours, quelle que soit la date à laquelle le Bureau d'enregistrement a formulé son acceptation.
3. Par la suite, le contrat est renouvelé par tacite reconduction par période annuelle prenant effet au 1^{er} janvier et expirant le 31 décembre de chaque année.

VI. DISPOSITIONS RELATIVES AU REGISTRE

1. Les interventions de la société PROMOPIXEL s'inscrivent dans le cadre de la lecture des articles L.45 et R.20-44-34 à R.20-44-50 du Code des postes et communications électroniques.
2. A cette fin, elle définit la ou les règle(s) non discriminatoire(s) rendue(s) publique(s) qui veille(nt) au respect, par le demandeur, des droits de propriété intellectuelle [autrement dénommée « Charte de Nommage »] relatives aux zones de nommage de la compétence de la société PROMOPIXEL.
3. Pour le bon accomplissement de sa mission, la société PROMOPIXEL peut être amenée à définir :
 - les exigences de permanence, de qualité et de disponibilité des infrastructures et /ou des outils relatifs à l'attribution et à la gestion des noms de domaine,
 - les modalités pratiques de l'appréciation et/ou évaluation du bureau d'enregistrement ainsi que leurs résultats,

- le référentiel de bonnes pratiques, la charte déontologique ou tout document de même nature à destination des Bureaux d'enregistrement,
 - les procédures d'accès aux services par les Bureaux d'enregistrement,
 - les modalités de création, d'alimentation et d'accès aux bases de données,
 - les procédures de règlement des litiges ou à participer à leur mise en oeuvre.
4. À ce titre, la société PROMOPIXEL élabore les politiques, les procédures, les méthodologies ou conditions d'utilisation.
 5. La société PROMOPIXEL ne délivre ni label, ni accréditation et n'accorde aucun agrément au Bureau d'enregistrement.
 6. Sur un plan technique, la société PROMOPIXEL assure notamment les services suivants :
 - suivi des zones installées ;
 - suivi de la cohérence de la base Whois (whois.smallregistry.net:43);
 - exploitation du service DNS pour les zones dont Promopixel a la responsabilité ;
 - suivi du fonctionnement des serveurs de noms ;
 - développement d'outils d'automatisation de l'exploitation ;
 - gestion de serveurs d'information ;
 - coordination avec les autres registres de noms de domaines.
 7. La société PROMOPIXEL avise au minimum trois mois avant sa mise en oeuvre, par tout moyen utile, le Bureau d'enregistrement de toute modification technique et / ou administrative ayant une incidence directe pour ce dernier, étant précisé que la mise en oeuvre ne peut intervenir qu'à l'issue d'un délai de deux mois suivant la disponibilité des spécifications. Certaines modifications exceptionnelles urgentes et motivées peuvent toutefois déroger à l'application de ces dispositions.
 8. La société PROMOPIXEL rend publics les prix des prestations effectuées sur les noms de domaine.

VII. DISPOSITIONS RELATIVES AU BUREAU D'ENREGISTREMENT

L'intervention des Bureaux d'enregistrement s'inscrit dans le cadre de lecture des articles L.45 et R.20-44-34 à R.20-44-50 du Code des postes et communications électroniques.

A. DISPOSITIONS VIS-À-VIS DU REGISTRE

1. Le Bureau d'enregistrement s'engage à respecter l'ensemble des politiques, procédures, méthodologies ou conditions d'utilisation définies par la société PROMOPIXEL.
2. Le Bureau d'enregistrement s'engage à respecter toutes décisions de la société PROMOPIXEL et le cas échéant, à collaborer avec l'ensemble des autres Bureaux d'enregistrement. Il s'engage par ailleurs à respecter le référentiel des bonnes pratiques, la charte déontologique ou tout document équivalent si la société PROMOPIXEL en adopte un.
3. Pour chaque demande d'acte d'administration, et sous réserve de l'évolution entraînée par la dématérialisation des procédures, le Bureau d'enregistrement constitue et transmet à la société PROMOPIXEL, dans le strict respect des termes de la ou des Chartes de nommage, les éléments et/ou documents s'il y a lieu, relatifs à chaque demande d'acte d'administration.

4. Le Bureau d'enregistrement est tenu de répondre aux demandes de la société PROMOPIXEL dans un délai maximum de 72 heures ramené à 48 heures en cas d'urgence motivée par la société PROMOPIXEL dans sa demande. Le Bureau d'enregistrement s'engage tout particulièrement à répondre aux demandes de la société PROMOPIXEL et, d'une manière générale à l'assister dans la résolution de litiges, contentieux ou précontentieux, qui porteraient sur un ou plusieurs noms de domaine de la zone de nommage organisée à la société PROMOPIXEL et notamment :
 - de communiquer dans le délai prescrit à la société PROMOPIXEL toute information ou tout document qui lui serait demandé ;
 - d'exécuter dans le délai prescrit toute demande de la société PROMOPIXEL visant à l'administration d'un ou plusieurs noms de domaine des zones gérées par le registre SMALLREGISTRY, qu'il s'agisse de suppression ou de transfert de nom de domaine.
5. Le Bureau d'enregistrement est tenu de communiquer et de maintenir en permanence un numéro de téléphone et une adresse électronique fonctionnelle auxquels il peut être joint par la société PROMOPIXEL aux heures de bureau.
6. Le Bureau d'enregistrement s'engage à maintenir à jour toutes les informations fournies à la société PROMOPIXEL dans le cadre du présent contrat et notamment les coordonnées d'identification, les informations concernant les prestations éventuellement offertes à ses clients. En cas d'évolutions ou de modifications, le Bureau d'enregistrement doit en informer immédiatement la société PROMOPIXEL par courrier électronique ou par tout autre moyen à sa convenance, ou en utilisant l'espace qui lui est réservé à cet effet sur le site web de la société PROMOPIXEL.
7. Le Bureau d'enregistrement informe la société PROMOPIXEL de toute procédure affectant sa situation juridique et notamment de sa mise en redressement judiciaire, liquidation, rachat partiel ou total etc. dans les huit (8) jours suivant l'événement considéré.
8. Le Bureau d'enregistrement est un professionnel du nom de domaine, adhérent ICANN et/ou client AFNIC.

B. DISPOSITIONS VIS-À-VIS DES CLIENTS DU BUREAU D'ENREGISTREMENT

1. Le Bureau d'enregistrement est seul responsable de la relation commerciale ou non commerciale qu'il entretient avec ses Clients.
2. Le Bureau d'enregistrement veille au respect par ses Clients de l'ensemble des dispositions légales et réglementaires de la ou des Chartre(s) de Nommage dans leur version en vigueur au jour de la demande d'un acte d'administration, ainsi que de l'ensemble des politiques, procédures, méthodologies ou conditions d'utilisation définies par la société PROMOPIXEL et répercute auprès d'eux leurs mises à jour successives.
3. À ce titre le Bureau d'enregistrement s'engage notamment à informer ses Clients :
 - de leurs droits et obligations en leur qualité de titulaire de nom de domaine ;
 - des obligations d'éligibilité d'un demandeur ;
 - de leur responsabilité sur le choix du nom de domaine et notamment de l'obligation de respecter les règles fixées par les chartes de nommage;

- de la nécessité de fournir des éléments permettant leur identification et d'une manière générale de tenir à la disposition de ses Clients les documents et politiques du Registre.
4. Le Bureau d'enregistrement est tenu de respecter les obligations d'identification imposées par la loi du 21 juin 2004 dite loi pour la confiance dans l'économie numérique, les réglementations applicables en matière de prospection commerciale et plus particulièrement, les dispositions en matière de consentement pour les opérations de prospection par voie électronique.
 5. Il est également tenu de respecter les obligations imposées par le Code de la consommation lorsque celles-ci sont applicables et en particulier, celles des articles L.121-16, L.132-1 et L.136-1 sans que cette liste soit exhaustive.
 6. Le Bureau d'enregistrement affecte, pour l'exécution des présentes, une ou plusieurs personnes disposant des compétences nécessaires et connaissant à la fois l'environnement technique et les attentes des Clients.
 7. Il doit également mettre à disposition de ses Clients tout moyen utile leur permettant d'obtenir des réponses à leurs interrogations et attentes.

VIII. BASE « WHOIS »

1. Dans le respect de l'article R.20-44-48 du Code des postes et des communications électroniques, la société PROMOPIXEL collecte auprès des Bureaux d'enregistrement les données de toute nature nécessaires à l'identification des personnes morales ou physiques titulaires de noms de domaine. Ces données sont agrégées par la société PROMOPIXEL au sein d'une base de données dénommée base « Whois ».
2. La société PROMOPIXEL dispose seule, des droits de propriété afférents à la base au sens de l'article L.112-3 du code de la propriété intellectuelle.
3. La société PROMOPIXEL définit les règles de constitution, de publication, d'accès, de maintien en condition opérationnelle de la base Whois et de toute autre base qu'elle pourrait constituer à partir de la base « Whois ».

IX. MODALITÉS FINANCIÈRES

1. Le barème de facturation comporte l'état récapitulatif des tarifs applicables pour l'année en cours:
 - le montant du forfait annuel,
 - le tarif de facturation de chacun des actes d'administration,
 - le tarif des autres interventions effectuées par la société PROMOPIXEL.
2. Le barème de facturation s'applique par année civile, soit du 1er janvier au 31 décembre de chaque année.
3. Le barème de facturation est réajusté chaque année et est applicable à compter du 1er janvier de l'année suivante.
4. Lorsque le barème est modifié, la société PROMOPIXEL communique ce barème modifié au Bureau d'enregistrement par tout moyen de son choix et notamment par l'envoi d'un courrier simple ou d'un courrier électronique.
5. L'ajustement du barème peut intervenir exceptionnellement en cours d'année à la condition qu'elle induise une baisse. Dans cette hypothèse, le Bureau d'enregistrement en est informé par voie électronique au minimum un mois avant.

6. Dans le cas où survient un transfert de portefeuille de noms de domaines depuis un registre (comme l'AFNIC) vers PROMOPIXEL, le Bureau d'enregistrement conserve ce portefeuille et est redevable des prestations de maintenance pour les domaines dont la date anniversaire est comprise entre la date de migration du portefeuille et la date d'entrée en vigueur du présent contrat entre PROMOPIXEL et le Bureau d'enregistrement.

X. FACTURATION – RÈGLEMENT

1. La société PROMOPIXEL facture en fin d'itération mensuelle, trimestrielle ou semestrielle, tous les actes d'administration sur les noms de domaine.
2. La facture des actes d'administration doit être réglée dans un délai de trente jours (30 jours) à compter de son émission.
3. La société PROMOPIXEL facture la maintenance du nom de domaine le mois suivant le mois anniversaire du dernier acte d'administration payant, et ce, pour une période de un an (1 an) suivant le mois anniversaire.
4. Le Bureau d'enregistrement se libère des sommes dues à la société PROMOPIXEL à l'aide de l'un des moyens de paiement pour lequel il a opté au titre des présentes ou de toute autre modalité arrêtée par la société PROMOPIXEL.
5. Toute demande de modification du mode de paiement est adressée par le Bureau d'enregistrement à la société PROMOPIXEL.
6. La société PROMOPIXEL facture également des frais occasionnés par le traitement d'opérations courantes et notamment sans que cela soit exhaustif, frais de rejets bancaires, envoi de recommandés, frais administratifs liés à une procédure particulière.
7. En cas de retard dans le paiement des montants dus par le Bureau d'enregistrement à la société PROMOPIXEL et eu égard au préjudice subi par la société PROMOPIXEL du fait de ce retard, la société PROMOPIXEL pourra exiger des pénalités de retard égales à une fois et demie (1,5) le taux d'intérêt légal en vigueur entre la date contractuelle de paiement et la date d'exécution effective du paiement, sans préjudice de toute autre réparation à laquelle elle pourrait prétendre.

XI. RESPONSABILITÉ

1. Les parties sont tenues, chacune pour ce qui la concerne à une obligation de moyens, sauf pour l'application des règles de la ou des Charte(s) de nommage et de leur(s) annexe(s) pour lesquelles le Bureau d'enregistrement est tenu à une obligation de résultat.
2. Le Bureau d'enregistrement fait son affaire personnelle de toute réclamation et/ou procédure, quelles qu'en soient les formes et natures, formées contre la société PROMOPIXEL par un tiers et qui se rattache directement ou indirectement aux obligations du Bureau d'enregistrement décrites au sein des présentes.
3. À cet effet, le Bureau d'enregistrement s'engage à régler directement, à l'auteur de la réclamation, toutes les sommes qui seraient exigées de la société PROMOPIXEL à ce titre, et à intervenir volontairement si nécessaire à toutes les instances engagées contre la société PROMOPIXEL, ainsi qu'à la garantir de toutes les condamnations qui seraient prononcées à son encontre à cette occasion.

4. À défaut, les indemnisations et les frais de toute nature pris en charge par la société PROMOPIXEL pour assurer sa défense, y compris les frais d'avocat, ainsi que tous les dommages et intérêts éventuellement prononcés contre elle, sont à la charge du Bureau d'enregistrement.
5. En aucun cas, la société PROMOPIXEL ne peut être tenue responsable des préjudices indirects, tels que préjudice commercial, perte de commande, trouble commercial quelconque, perte de bénéfices. Toute action dirigée contre le Bureau d'enregistrement par un tiers constitue un préjudice indirect, par conséquent il n'ouvre pas droit à réparation.
6. Les parties conviennent qu'en cas de prononcé de condamnation, les dommages et intérêts mis à la charge de la société PROMOPIXEL sont limités aux sommes effectivement perçues par le Bureau d'enregistrement pour les prestations ou fournitures ayant motivé la mise en jeu de sa responsabilité.

XII. IDENTIFIANTS

1. Les Bureaux d'enregistrement disposent d'identifiants qui leur sont remis par la société PROMOPIXEL. Dans le cas où il est accordé aux Bureaux d'enregistrement la possibilité de modifier tout ou partie de leurs identifiants, cette modification est alors effectuée à la seule discrétion et sous la seule responsabilité des Bureaux d'enregistrement.
2. Les modalités techniques de mise en oeuvre de ces identifiants (login/password, signature électronique et certificats, etc.) sont définies par la société PROMOPIXEL et le Bureau d'enregistrement s'engage à les mettre en oeuvre selon les indications qui lui sont communiquées par La société PROMOPIXEL.
3. Le Bureau d'enregistrement est seul responsable de la préservation et de la confidentialité de son ou de ses identifiants et de l'ensemble des données confidentielles éventuelles transmises par la société PROMOPIXEL.
4. Le Bureau d'enregistrement s'engage à prendre toute mesure utile afin de respecter et de faire respecter par les utilisateurs autorisés, la parfaite confidentialité, en ne communiquant, en aucun cas les identifiants à d'autres personnes que ses salariés.
5. Toute utilisation du ou des identifiants fait présumer de manière irréfragable une utilisation du service par le Bureau d'enregistrement jusqu'à ce qu'une opposition soit formulée.
6. Le Bureau d'enregistrement s'engage sans délai, par tout moyen approprié, à porter à la connaissance de la société PROMOPIXEL, tout problème de communication à des tiers et tout vol de son identifiant. Cette information fera l'objet d'une confirmation par lettre recommandée avec accusé de réception.

XIII. CONVENTION DE PREUVE ET DÉMATÉRIALISATION

1. Les échanges entre la société PROMOPIXEL et le Bureau d'enregistrement peuvent avoir lieu par voie électronique aux adresses spécifiées par les parties.
2. Les documents sous forme électronique échangés entre les parties feront preuve, sous réserve que puisse être dûment identifiée la personne dont ils émanent et

qu'ils soient établis et conservés dans des conditions raisonnables permettant d'en garantir l'intégrité. En cas de désaccord entre les parties, les informations stockées sur les serveurs de la société PROMOPIXEL font foi entre les parties.

3. La société PROMOPIXEL fait ses meilleurs efforts pour engager une politique de dématérialisation afin de faciliter les relations avec les Bureaux d'enregistrement et la mise en oeuvre des actes d'administration. Les conditions de cette dématérialisation sont communiquées au Bureau d'enregistrement par la société PROMOPIXEL préalablement à leur mise en oeuvre.

XIV. JUSTIFICATION ET ARCHIVAGE ÉLECTRONIQUE

1. Le Bureau d'enregistrement est responsable des éléments et/ou documents qu'il communique à la société PROMOPIXEL. Il assure la conservation des documents qui lui sont remis par son Client.
2. Il lui appartient de faire parvenir à la société PROMOPIXEL les justificatifs nécessaires lorsqu'une telle communication s'impose. Dans tous les autres cas, il communique les éléments et/ou documents sur demande de la société PROMOPIXEL en application des présentes dispositions.
3. Le Bureau d'enregistrement fait son affaire des conditions de conservation des données et documents dont il dispose. La société PROMOPIXEL ne saurait être tenue responsable :
 - d'une impossibilité de communiquer ces éléments ;
 - de la communication d'éléments dont la valeur probante est contestée.

XV. CONTRÔLES

1. La société PROMOPIXEL peut procéder à des contrôles ponctuels.
2. Ces contrôles peuvent intervenir sur pièces ou sur place.
3. Le contrôle est dit sur pièces lorsque la société PROMOPIXEL demande à avoir communication d'un ou plusieurs éléments et/ou documents. Le Bureau d'enregistrement communique les éléments et/ou documents demandés dans un délai maximum de 72 heures, ramené à 48 heures en cas d'urgence.
4. Le contrôle peut être réalisé sur place à la condition d'en informer le Bureau d'enregistrement 72 heures à l'avance.

XVI. COLLABORATION

1. Les Parties conviennent de collaborer étroitement dans le cadre de leurs relations.
2. Les Parties s'engagent à maintenir une collaboration active et régulière en se communiquant mutuellement l'ensemble des éléments demandés.
3. Le Bureau d'enregistrement communique à la société PROMOPIXEL toutes les difficultés dont il peut prendre la mesure au regard de son expérience, au fur et à mesure de l'exécution des présentes, aux fins de permettre leur prise en compte le

plus rapidement possible, participant ainsi à la sécurisation de la zone de nommage organisée à la société PROMOPIXEL.

4. Le Bureau d'enregistrement s'oblige à coopérer et à collaborer avec la société PROMOPIXEL, ainsi qu'avec les autres bureaux d'enregistrement le cas échéant, pour que toute demande de la société PROMOPIXEL concernant l'administration d'un nom de domaine des zones en gestion, qu'il s'agisse d'une demande de blocage, de transfert ou de suppression de nom de domaine, soit effectivement exécutée.

XVII. CONFIDENTIALITÉ

1. Les Parties s'engagent à respecter l'obligation de confidentialité sur les informations de toute nature dont elles ont connaissance à l'occasion de l'exécution des présentes.
2. Cette obligation de confidentialité ne s'applique pas :
 - pour le cas où l'une ou l'autre des parties aurait besoin de dévoiler ces informations dans le cadre d'une procédure judiciaire, quel qu'en soit le motif ;
 - pour le cas où l'une ou l'autre des parties aurait besoin de justifier auprès de l'administration fiscale des écritures en exécution des présentes ;
 - aux experts-comptables et aux commissaires aux comptes des parties, ceux-ci étant soumis au secret professionnel à l'égard de leur Bureau d'enregistrement en vertu de l'article 378 du Code pénal.
3. Les dispositions du présent article demeurent en vigueur même après la fin des relations contractuelles établies entre la société PROMOPIXEL et le Bureau d'enregistrement.

XVIII. INFORMATIQUE ET LIBERTÉS

1. Dans le cadre de la mise à disposition par le Bureau d'enregistrement à la société PROMOPIXEL de données à caractère personnel, le Bureau d'enregistrement garantit :
 - que les obligations résultant de la loi n° 78-17 du 6 janvier 1978 ont été respectées par lui, notamment:
 - (1) la prise en compte en temps utile des obligations de déclaration ou d'autorisation préalable et l'obtention des récépissés ou décisions d'autorisation correspondantes,
 - (2) l'obligation d'information des personnes concernées et de recueil du consentement de ces dernières si nécessaire,
 - (3) la mise en oeuvre de moyens de collecte et de traitement des données loyaux et licites,
 - (4) la prise en compte des droits d'accès, de rectification et d'opposition reconnus aux personnes concernées ;
 - que les données personnelles peuvent être licitement communiquées ou transmises à la société PROMOPIXEL et que cette dernière peut en avoir le libre usage dans la limite du respect des obligations légales ;
 - que les données personnelles communiquées ou transmises sont bien existantes, complètes au regard des fichiers d'origine et exactes par rapport aux informations collectées.

2. La société PROMOPIXEL est réputée bénéficier du droit d'exploiter, sans restriction ni réserve, en qualité de responsable du traitement au sens de la loi n° 78-17 du 6 janvier 1978 relative à l'Informatique, aux fichiers et aux libertés, les données personnelles en tous lieux, pour tous ses besoins se rapportant à ses activités sous quelque forme que ce soit, sur tout support, pendant toute la durée du présent contrat et postérieurement sans limitation de durée.
3. En tout état de cause, la société PROMOPIXEL se réserve le droit d'établir des listes d'exclusion au sens de la Loi informatique et libertés, en application de la délibération de la Cnil du 13 septembre 2007 N ° 2007-246 et ce sans avoir besoin d'en informer préalablement le Bureau d'enregistrement.
4. Les données personnelles communiquées par le Bureau d'enregistrement font l'objet d'un traitement automatisé déclaré, par la société PROMOPIXEL, à la Commission Nationale de l'Informatique et des Libertés (CNIL).
5. La société PROMOPIXEL a désigné un correspondant à la protection des données à caractère personnel, dit correspondant CNIL qui en vertu de l'article 22 II de la loi n°78-17 du 6 janvier 1978 a pour mission de dresser la liste des traitements de la société PROMOPIXEL, de mettre à jour la liste des traitements et de réaliser une consultation pour s'assurer du respect par la société PROMOPIXEL de la loi Informatique et libertés.
6. Le Bureau d'enregistrement s'engage à prévenir immédiatement la société PROMOPIXEL par e-mail ou par télécopie en cas de contrôle exercé par la Cnil et qui viserait les données relatives au nommage.

XIX. DÉMARCHES ADMINISTRATIVES

1. Chaque Partie est tenue, pour ce qui la concerne de s'assurer, qu'elle a obtenu toutes les autorisations administratives qui s'avèrent nécessaires pour l'exercice de ses fonctions.

XX. PROMOTION - PUBLICITÉ

1. Le Bureau d'enregistrement respecte les droits de propriété intellectuelle, industrielle, littéraire et artistique détenus par la société PROMOPIXEL. Le Bureau d'enregistrement ne pourra utiliser et/ou reproduire les marques, logo et autres signes distinctifs de la société PROMOPIXEL sans son autorisation expresse et préalable.
2. La société PROMOPIXEL se propose d'être un relais promotionnel des Bureaux d'enregistrement et à cette fin elle peut s'engager dans un certain nombre de campagnes promotionnelles et/ou publicitaires.
3. La société PROMOPIXEL tient à jour, sur son site web, les informations communiquées dans le contrat.
4. La société PROMOPIXEL peut par ailleurs initier et organiser des « opérations spéciales » destinées à développer les zones de nommage qu'elle administre.
5. Il appartient au Bureau d'enregistrement de participer ou non aux « opérations spéciales » organisées par la société PROMOPIXEL dans les conditions qui lui sont adressées préalablement.
6. La participation de chaque Bureau d'enregistrement à une « Opération spéciale » peut faire l'objet d'un contrat particulier pris en application des présentes.

XXI.SOUS-TRAITANCE

1. Le Bureau d'enregistrement peut sous-traiter tout ou partie de ses prestations, mais il demeure en tout état de cause, seul responsable de la bonne application des présentes.

XXII.ASSURANCE

1. Chaque partie déclare être assurée pour toutes les conséquences dommageables des actes dont elle peut être tenue responsable dans le cadre de l'application des présentes, auprès d'une compagnie d'assurance notoirement solvable.

XXIII.SANCTIONS

1. En cas de manquement par le Bureau d'enregistrement à l'une de ses obligations, la société PROMOPIXEL peut prononcer à son encontre une des sanctions suivantes :
 - avertissement par courrier électronique : l'avertissement est une sanction mineure. Elle a pour but de rappeler le Bureau d'enregistrement à ses obligations;
 - observation sur site : l'observation sur site consiste à rendre public le ou les manquements relevés par la société PROMOPIXEL. Elle tend à rétablir l'équilibre de l'information auprès du public ;
 - suspension provisoire : la suspension provisoire est liée à un manquement plus grave que ceux pouvant donner lieu à un avertissement ou à une observation sur site. En cas de suspension provisoire de son compte, le Bureau d'enregistrement ne peut procéder à aucun nouvel acte d'administration sur les noms de domaine dont il a la gestion, ni procéder à de nouveaux enregistrements ;
 - pénalité forfaitaire : la société PROMOPIXEL peut prononcer contre le Bureau d'enregistrement une sanction pécuniaire d'un montant forfaitaire de 500 euros HT. La pénalité forfaitaire peut être combinée aux autres sanctions ou être appliquée de façon indépendante.
2. La sanction prononcée par la société PROMOPIXEL est proportionnelle à la gravité du ou des manquement(s) relevé(s).
3. Les sanctions sont indépendantes les unes des autres et ne sont pas considérées comme des étapes impératives.
4. La procédure de notification du manquement au Bureau d'enregistrement est la suivante :
 - La société PROMOPIXEL adresse une lettre recommandée avec accusé de réception au Bureau d'enregistrement notifiant le ou les manquement(s) relevé(s), ainsi que la ou les sanction(s) envisagé(s) ;

- le Bureau d'enregistrement dispose d'un délai de huit (8) jours calendaires pour répondre à la société PROMOPIXEL et pour faire état de sa position ;
 - la sanction appliquée est adaptée ou non en fonction de la réponse du Bureau d'enregistrement ;
 - l'absence de réponse du Bureau d'enregistrement est considérée comme une acceptation de sa part.
5. La mise en oeuvre de sanctions participe à garantir une meilleure qualité des services rendus.

XXIV.RÉSOLUTION – RÉSILIATION

1. En cas de manquement grave ou répété du Bureau d'enregistrement à l'une de ses obligations, la société PROMOPIXEL pourra de plein droit prononcer la résolution/résiliation des présentes.
2. La procédure de résiliation/résolution est la suivante :
 - lettre recommandée avec accusé de réception notifiant la suspension du compte du Bureau d'enregistrement sous quarante-huit (48) heures ;
 - suspension du compte du Bureau d'enregistrement pour une durée de quinze (15) jours calendaires ;
 - prononcé de plein droit de la résiliation/résolution du contrat à l'issue d'un préavis de quinze (15) notifié par lettre recommandée avec accusé de réception.
3. Sauf manquement d'une particulière gravité, la suspension du compte interviendra en règle générale après plusieurs relances de la société PROMOPIXEL.
4. Le Bureau d'enregistrement a la possibilité, à tout moment, de contacter la société PROMOPIXEL afin de régulariser sa situation.

XXV.NON RENOUVELLEMENT DU CONTRAT PAR LE BUREAU D'ENREGISTREMENT

1. Le Bureau d'enregistrement peut dénoncer le présent contrat par lettre recommandée avec accusé de réception adressée à la société PROMOPIXEL :
 - au moment de la révision du contrat et/ou du barème de facturation, avant le 31 décembre de l'année en cours. Cette dénonciation prend effet à compter du 31 décembre de l'année en cours.
 - avant l'expiration de la période contractuelle en cours, moyennant le respect d'un préavis de 30 jours, en notifiant à la société PROMOPIXEL son souhait de ne pas renouveler son engagement.

XXVI.CONSÉQUENCES DE LA CESSATION DES RELATIONS CONTRACTUELLES

1. En cas de cessation des relations contractuelles pour quelque cause que ce soit (cessation d'activité totale ou partielle, procédures collectives, cession, résiliation

- pour manquement, etc.) la société PROMOPIXEL désactive le compte du Bureau d'enregistrement au jour de la cessation effective des relations contractuelles et supprime son nom de la liste des Bureaux d'enregistrement diffusée en ligne.
2. Le Bureau d'enregistrement s'engage à aviser ses Clients qu'ils sont tenus de choisir un nouveau Bureau d'enregistrement pour l'ensemble des noms de domaine orphelins dont ils sont titulaires.
 3. Il appartient au Bureau d'enregistrement d'assurer la migration des noms de domaine dont il est gestionnaire au titre des présentes au plus tard au jour de la cessation des relations contractuelles.
 4. Aussi, en cas d'expiration ou de résiliation du contrat, pour quelque motif que ce soit, le Client sera en droit d'obtenir du Bureau d'enregistrement que ce dernier lui communique toutes les informations qui lui seront nécessaires pour lui permettre de préparer la migration des noms de domaine orphelins.
 5. Le Bureau d'enregistrement assume sur ce point l'entière responsabilité des revendications et recours de ses Clients.
 6. Sans qu'il s'agisse d'une obligation de faire, la société PROMOPIXEL peut contacter directement les Clients du Bureau d'enregistrement pour les aviser de la situation et leur demander de faire choix d'un nouveau Bureau d'enregistrement. Dans cette hypothèse le Bureau d'enregistrement supportera les frais de toute nature (notamment frais postaux) correspondant aux démarches réalisées par la société PROMOPIXEL en ses lieux et place.
 7. La cessation des relations contractuelles pour quelque cause que ce soit (cessation d'activité totale ou partielle, procédures collectives, cession, résiliation pour manquement, etc.) entraîne le paiement immédiat des sommes dues, en ce compris les éventuelles pénalités des niveaux précédents.
 8. A compter de la cessation des relations contractuelles, le Bureau d'enregistrement s'engage à restituer l'ensemble des documents fournis par la société PROMOPIXEL et à ne plus utiliser les documents, codes et identifiants communiqués par la société PROMOPIXEL. A défaut de restitution sous quinze jours (15 jours) à compter de la cessation des relations contractuelles, le Bureau d'enregistrement prend l'engagement de détruire l'ensemble des documents fournis et de supprimer les identifiants attribués par la société PROMOPIXEL. En outre, le Bureau d'enregistrement s'engage à ne plus faire usage d'aucun logo, marque ou autre signe distinctif de la société PROMOPIXEL.

XXVII.CESSION DU CONTRAT

1. Pour des raisons dictées par la bonne administration des noms de domaine de la zone de nommage organisée par la société PROMOPIXEL et la préservation des intérêts des Clients du Bureau d'enregistrement, les droits et obligations inhérents aux présentes ne peuvent faire l'objet d'une cession totale à titre gracieux ou partielle à titre onéreux, qu'aux conditions cumulatives suivantes que :
 - La société PROMOPIXEL en soit préalablement avisée ;

- l'ensemble des sommes dues à la société PROMOPIXEL par le Bureau d'enregistrement d'origine soit intégralement versé et effectivement encaissé par la société PROMOPIXEL ;
 - La société PROMOPIXEL reçoit l'accord formel du Bureau d'enregistrement d'origine et du Bureau d'enregistrement qui reprend en charge les termes des présentes par lettre recommandée avec accusé de réception ;
 - La société PROMOPIXEL reçoit dans les 30 jours de la cession, le nouveau contrat dûment complété par le nouveau Bureau d'enregistrement notamment les informations relatives à ses coordonnées ;
 - le sort de l'ensemble des noms de domaine géré par le Bureau d'enregistrement d'origine soit pris en compte et que tous les Clients soient avisés de la modification à intervenir par ce dernier.
2. La société PROMOPIXEL peut céder à toute personne morale de son choix, tout ou partie des droits et des obligations définies aux présentes, à charge pour elle d'en informer le Bureau d'enregistrement.

XXVIII.NULLITÉ

1. Si une ou plusieurs stipulations des présentes sont tenues pour non valides ou déclarées comme telles en application d'une loi, d'un règlement ou à la suite d'une décision définitive d'une juridiction compétente, les autres stipulations conservent toute leur force et leur portée.

XXIX.TITRES

1. En cas de difficulté d'interprétation entre l'un quelconque des titres figurant en tête des clauses, et l'une quelconque des clauses, les titres sont déclarés inexistant.

XXX.FORCE MAJEURE

1. Dans un premier temps, les cas de force majeure suspendent l'exécution des présentes.
2. Si les cas de force majeure ont une durée d'existence supérieure à 1 (un) mois, les présentes sont résiliées automatiquement de plein droit, sauf accord contraire des parties.
3. De façon expresse, sont considérés comme cas de force majeure ou cas fortuits, ceux habituellement retenus par la jurisprudence des cours et tribunaux français.

XXXI.INDÉPENDANCE DES PARTIES

1. Les parties reconnaissent agir chacune pour leur propre compte comme des entités indépendantes et ne sont pas considérées comme agents l'une de l'autre.
2. Aucune des parties ne peut prendre d'engagement au nom et/ou pour le compte de l'autre.
3. En outre, chacune des parties demeure seule responsable de ses actes, allégations, engagements, prestations, produits et personnels.

XXXII.INTÉGRALITÉ

1. Les présentes expriment l'intégralité des obligations des parties.

XXXIII.SINCÉRITÉ

1. Les parties déclarent sincères les présents engagements.
2. À ce titre, elles déclarent ne disposer d'aucun élément à leur connaissance qui, s'il avait été communiqué aurait modifié le consentement de l'autre partie.

XXXIV.LANGUE

1. Seule la version française des présentes fait foi entre les parties.

XXXV.LOI APPLICABLE

1. Les présentes dispositions sont régies par la loi française.

XXXVI.ATTRIBUTION DE COMPÉTENCE

1. En cas de litige, et après une tentative de recherche d'une solution amiable, compétence expresse est attribuée au Tribunal de Grande Instance de Paris nonobstant pluralité de défendeurs ou appel en garantie, même pour les procédures d'urgence ou les procédures conservatoires en référé ou par requête.

XXXVII.OPPOSABILITÉ

1. Lors de la première année, le Bureau d'enregistrement adhère à la présente convention en remplissant et en signant un formulaire d'identification à renvoyer signé à la société PROMOPIXEL.
2. En cas de révision des présentes, la société PROMOPIXEL adresse la version révisée au Bureau d'enregistrement, sous une forme de son choix, au plus tard le 1er décembre de chaque année.
3. À ce titre et en application des nouveaux articles 1369-1 et suivants du Code civil, la société PROMOPIXEL peut soit adresser la nouvelle version des contrats par voie de courrier électronique à l'adresse communiquée par le Bureau d'enregistrement ; soit diffuser en ligne, au sein de l'espace réservé aux Bureaux d'enregistrement la version modifiée du contrat en invitant les Bureaux d'enregistrement à se connecter sur son site et à en prendre connaissance. S'agissant de relations contractuelles entre professionnels, il est expressément décidé de déroger à l'ensemble des règles de forme et de fond fixées au sein desdits articles.
4. À défaut d'avoir dénoncé son contrat dans les délais impartis, les nouvelles conditions contractuelles s'appliquent automatiquement à compter du 1^{er} janvier de l'année suivante.

XXXVIII.RÉVISION DES PRÉSENTES

1. En tant que de besoin, les termes du présent contrat peuvent être révisés par la société PROMOPIXEL.
2. La société PROMOPIXEL s'engage à ne réviser les présentes qu'une fois l'an, sauf décision spécifique de l'un de ses organes délibérants ou sur motivation du Ministre chargé des communications électroniques.

Annexe 1

Barème de facturation 2013

Le forfait annuel est payable en une seule fois.

Barème de facturation, en € HT, applicable du 1^{er} janvier au 31 décembre 2013

Forfait annuel	200,00 € HT
Création	7,50 € HT
Réactivation (recover)	7,50 € HT
Transmission (trade)	7,50 € HT
Changement de bureau d'enregistrement (transfer)	7,50 € HT
Abandon de création*	7,50 € HT
Maintenance	7,50 € HT
Modification	0 € HT

* en l'absence de contraintes liées à la charte de nommage

Conditions particulières :

- 1) Les frais engendrés aux dépens de la société PROMOPIXEL par des rejets bancaires, donnent lieu au paiement d'une pénalité de 10 € HT par rejet, encaissée par prélèvement automatique ou par carte bancaire, et ce, à partir du 2ème rejet, indépendamment de l'application de l'article 23 du contrat en ce qui concerne l'application de pénalité forfaitaire en cas de manquement.
- 2) Les frais engendrés aux dépens de la société PROMOPIXEL par le recouvrement des chèques compensables hors territoire national donneront lieu à facturation des frais correspondants, en fin d'exercice, selon le barème bancaire en vigueur.

Annexe 2

Autorisation de prélèvement

A imprimer en deux exemplaires et à signer. L'un est à envoyer à Promopixel, le second à votre banque. A joindre obligatoirement avec un relevé d'identité bancaire (RIB), postal (RIP) ou de caisse d'épargne (RICE).

Nom et adresse du créancier PROMOPIXEL 29 rue Popincourt 75011 PARIS Numéro national d'émetteur: 560060		
DébitEUR		Compte à déBITER
Nom	_____	_____ _____ _____ _____
Prénom	_____	
Société	_____	DESIGNATION DE L'ETABLISSEMENT TENEUR DU COMPTE A DEBITER
Adresse complète	_____	_____ _____ _____
Date et signature		_____ _____ _____

J'autorise l'Etablissement teneur de mon compte à prélever sur ce dernier si sa situation le permet, tous les prélèvements ordonnés par le créancier désigné ci-dessous. En cas de litige sur un prélèvement je pourrai en faire suspendre l'exécution sur simple demande à l'Etablissement teneur de mon compte. Je réglerai le différent directement avec le créancier.

Les informations contenues dans le présent document ne seront utilisées que pour les seules nécessités de la gestion et pourront donner lieu à exercice du droit individuel d'accès et de rectification au près du créancier ci-dessus, dans les conditions prévues par la délibération n°80/10 du 1.4.80 de la Commission Nationale de l'Informatique et des Libertés.

Annexe 3

IDENTIFICATION DU BUREAU D'ENREGISTREMENT

Tous les champs sont obligatoires.

Le bureau d'enregistrement certifie être client AFNIC ou accrédité ICANN.

Identification de la société

Nom de la société (*joindre Kbis ou publication JO*):

SIREN / SIRET :

N° de TVA intracommunautaire :

(Obligatoire pour les entreprises de l'UE)

Adresse du siège social :

Code postal et Ville :

Pays:

URL <http://>

Représentant légal

Nom:

Prénom:

Fonction:

Téléphone:

Fax:

Adresse électronique:

Contact administratif et financier

Nom:

Prénom:

Adresse (*si différente du siège social*):

Téléphone:

Fax:

Adresse électronique:

Contact technique NOC

Nom:

Prénom:

Adresse (*si différente du siège social*):

Téléphone:

Fax:

Adresse électronique:



REGISTRATION CONTRACT

PROMOPIXEL – 29, rue Popincourt 75011 PARIS
Tel. +33 (0)1 42 05 62 71 Fax. +33 (0)9 57 84 34 89

Email: infos@promopixel.com

No. VAT: FR06440586899 – RCS PARIS B 440 586 899 (2003B13491)

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I. PREAMBLE

1. PROMOPIXEL S.A.R.L., a French limited-liability company with capital of 10,000 Euros, registered with the Trade Register of Paris under N°B 440 586 899.
2. The company operates a business of second level domain registry under its trademark SMALLREGISTRY.
3. The Registrar wishes to offer its customers a range of services relating to naming zones organised by the company PROMOPIXEL.
4. The Registrar declares that it has a good understanding of the naming charter(s) and their appendices applicable to naming zones organised by the company PROMOPIXEL, and assents without reservation.
5. The Registrar declares that it possesses the necessary knowledge, experience, skills, and technical and human resources to satisfy the requests of its customers, to meet the demands of their customers, in particular with regard to the terms of the applicable naming charters.

II. DEFINITIONS

1. For the purposes of the contract, the following terms are defined as follows:
 - **"Administrative operation"**: broad term for any administrative or technical operation carried out by the company PROMOPIXEL and concerning a domain name.
 - **"Registrar"**: the legal person who, under the contract concluded with the company PROMOPIXEL, provides domain name registration services to its customers.
 - **"Naming Charter"**: document establishing technical and administrative rules enabling to make an administrative operation on a domain name. The charter is supplemented by a set of documents (procedures guidelines, etc.) and information available directly from the company PROMOPIXEL upon request.
 - **"Customer"**: any natural or legal person requesting, through a Registrar, an administrative operation on a domain name.
 - **"Annual fee"**: amount payable each year to the company PROMOPIXEL by the Registrar for access to domain name registration services.
 - **"Orphan domain name"**: a validly registered domain name, whose management is no longer ensured by the Registrar.
 - **"Registry"**: the company PROMOPIXEL, as a legal person in charge of addressing and managing the Internet's domain names, in sectorial domains of second level for which it is responsible.

III. PURPOSE

1. The purpose of the present contract is to define the contractual relations between the company PROMOPIXEL as a Registry and Registrars.

IV. CONTRACTUAL DOCUMENTS

1. The contractual documents between the company PROMOPIXEL and the Registrar are ranked in order of priority:
 - the present contract (hereinafter referred to as "the registration contract");
 - Appendix 1 "Invoicing schedule";
 - Appendix 2 "Debit authorisation";
 - Appendix 3 "Identification of the registrar".
2. In the event of conflict between the documents of different nature and different rank, the provisions contained in the document of superior rank will prevail.

V. EFFECTIVE DATE - TIME - RENEWAL

1. The contract shall take effect upon its acceptance by the Registrar.
2. For the first year, the contract is valid for a period expiring on 31 December of the current calendar year, irrespective of the date on which the Registrar formalised its acceptance.
3. Following that year, the contract will be renewed by tacit consent per annual period taking effect on 1 January and expiring on 31 December of each year.

VI. PROVISIONS CONCERNING THE REGISTRY

1. The company PROMOPIXEL's Interventions is in the context of the Articles L.45 and R.20-44-34 to R.20-44-50 of the French Post and Electronic Communications Code.
2. To that end, it establishes the non-discriminatory and published rule(s), which has/have to ensure respect, by the applicant, for intellectual property rights [otherwise referred to as "Naming Charters"] relating to naming zones under the field of competence of the company PROMOPIXEL.
3. For the successful completion of its mission, the company PROMOPIXEL may have to define:
 - the requirements for persistence, quality and availability of infrastructure and/or tools for the addressing and management of domain names,

- the practical arrangements for the assessment and/or evaluation of the registrar and the results thereof,
 - the good practices referential, charter of ethical standards or any equivalent document aimed at the Registrars,
 - the procedures for access to the services by Registrars,
 - the criteria for creating, feeding and accessing to databases,
 - the dispute resolution procedures or participating in their implementation.
4. As such, the company PROMOPIXEL develops policies, procedures, methods or conditions of use.
 5. The company PROMOPIXEL does not deliver label or certification and gives no approval to the Registrar.
 6. At a technical level, the company PROMOPIXEL provides particularly the following services:
 - monitoring of installed zones;
 - monitoring the coherence of the WHOIS base (whois.smallregistry.net: 43);
 - operating the DNS service for zones to whom Promopixel is responsible;
 - monitoring the functioning of name servers;
 - development of automation tools for the operation;
 - management of information servers;
 - coordination of domain names with other registries.
 7. The company PROMOPIXEL shall give a minimum of three months' notice prior to its implementation, through any appropriate means, the Registrar of any technical and/or administrative modification that would affect directly the latter, being specified that the implementation may not take place until a period of two months following the availability of specifications have elapsed. However, certain exceptional, urgent and motivated changes may exempt from the application of these provisions.
 8. The company PROMOPIXEL shall make the prices of services charged on domain names publicly available.

VII. PROVISIONS RELATING TO THE REGISTRAR

The registrars' Intervention is in the context of the Articles L.45 and R.20-44-34 to R.20-44-50 of the French Post and Electronic Communications Code.

A. PROVISIONS WITH REGARD TO THE REGISTRY

1. The Registrar is committed to complying with all policies, procedures, methods or conditions of use specified by the company PROMOPIXEL.
2. The Registrar is committed to complying with all the decisions taken by the company PROMOPIXEL and where appropriate, to work with all other Registrars. Furthermore, It is committed to complying with the good practices referential, charter of ethical standards or any equivalent document if the company PROMOPIXEL was to adopt one.

3. For every request for administrative operation, and subject to the evolution brought forth by the dematerialisation of proceedings, the Registrar prepares and forwards to the company PROMOPIXEL, in full compliance with the terms of the naming charter(s), any element and/or document, if required, relating to every request for administrative operation.
4. The Registrar must respond to the company PROMOPIXEL's requests within a maximum of 72 hours, reduced to 48 hours in a case of emergency justified by the company PROMOPIXEL in its request. The Registrar is especially committed to responding to the company PROMOPIXEL's requests, and generally assist it in the resolution of disputes, litigation or pre-litigation centred on one or more name domains of the naming zone organised by the company PROMOPIXEL, and specifically:
 - communicate within the deadlines to the company PROMOPIXEL any information or document which may be requested;
 - execute within the deadlines any request from the company PROMOPIXEL relating to the managing of one or more domain names of the zones managed by SMALLREGISTRY, whether it be the cancellation or transfer of a domain name.
5. The Registrar shall communicate and maintain at all times a working phone number and email address where it can be reached by the company PROMOPIXEL during normal office hours.
6. The Registrar is committed to complying with keeping current the information provided to the company PROMOPIXEL under the present contract, and specifically identification data, information about any services offered to its customers. In the event of changes or modifications, the Registrar must without delay inform the company PROMOPIXEL through electronic mail or other appropriate media to its suitability, or by using the space allotted to it on the company PROMOPIXEL's website.
7. The Registrar shall inform the company PROMOPIXEL of any procedure affecting its legal situation, and specifically if it's going into receivership, liquidation, or total or partial take-overs, etc., within eight (8) days following the relevant event.
8. The Registrar is a domain name professional, an ICANN licensee and/or an AFNIC's customer.

B. PROVISIONS WITH REGARD TO REGISTRAR'S CUSTOMERS

1. The Registrar alone is responsible for the commercial or non-commercial relationships with its customers.
2. The Registrar commits to have the Registrant abide by any legal, regulatory or contractual obligation in force at the time of any particular request from the Registrant, as well as by any and all policy, process, methodology or term of use set in place by the Registry that the Registrar shall pass on to the Registrant from time to time.
3. As such, the Registrar shall inform its customers of:
 - their rights and obligations as holders of the domain name;
 - the eligibility obligations of an applicant;

- their responsibility concerning the choice of the domain name, and specifically the obligation to respect the rules specified by the naming charters;
 - the need to provide elements allowing their identification and generally to make available to its customers the documents and the Registry's policies.
4. The Registrar is committed to complying with the identification obligations imposed by the law of 21 June 2004 called the Law on confidence in the digital economy, the regulations applicable to commercial prospecting, and more specifically the consent provisions for prospecting activities made by electronic means.
 5. It is also committed to complying with the obligations imposed by the French Consumer Code when they are applicable and in particular those of, but is not limited to, the Articles L.121-16, L.132-1 and L.136-1.
 6. The Registrar assigns, for the execution of this document, one or several persons with the necessary competence required and familiar with the technical environment and customer expectations.
 7. It should also provide its customers with any useful means enabling them to obtain answers to their enquiries and expectations.

VIII. "WHOIS" DATABASE

1. In accordance with Article R.20-44-48 of the French Post and Electronic Communications Code, the company PROMOPIXEL gathers, from Registrars, all kinds of data necessary for identifying legal or natural persons who are domain name holders. This data is aggregated by the company PROMOPIXEL within a database called "Whois".
2. The company PROMOPIXEL has exclusive ownership rights over the database within the meaning of Article L.112-3 of the French Code of Intellectual Property.
3. The company PROMOPIXEL defines the rules as to setting up, publication, access, maintenance in operational condition of the Whois database and any other database that it could set up from the "Whois" database.

IX. FINANCIAL ARRANGEMENTS

1. The invoicing schedule shall give a summary of the rates applicable for the current year:
 - the amount of the annual fee,
 - billing rates of each administrative operation,
 - the cost of other interventions made by the company PROMOPIXEL.
2. The invoicing schedule applies per calendar year, from 1 January to 31 December of each year.
3. The invoicing schedule is adjusted annually and is effective as of 1 January 1 of the following year.

4. When the scale is modified, the company PROMOPIXEL communicate this modified scale to the Registrar by any means of its choice, and specifically by direct post mail or electronic mail.
5. The adjustment of the scale may be exceptionally applied in the course of the year, subject to the condition that induces a decrease. Under these circumstances, the Registrar will be notified electronically at least one month before the said adjustment.
6. In the event of a domain name portfolio transfer from a registry (as AFNIC) to PROMOPIXEL, the Registrar keeps this portfolio and owes the maintenance services for domains whose next birthday falls between the migration date of the portfolio and of entry into force of the present contract between PROMOPIXEL and the Registrar.

X. BILLING - REGULATION

1. The company PROMOPIXEL charges at the end of a monthly, quarterly or half-yearly iteration, for all administrative operations on domain names.
2. The bill for administrative operations is payable within thirty days (30 days) from the date of issue.
3. The company PROMOPIXEL charges for the name domain maintenance the month following the anniversary month of the administrative operation offered with charge for a one-year period (1 year) following the anniversary month.
4. The Registrar relieves itself from the sums due to the company PROMOPIXEL using one of the means of payment for which he has opted under the present contract or by any other means imposed by the company PROMOPIXEL.
5. Any request to reorder the mean of payment shall be sent by the Registrar to the company PROMOPIXEL.
6. The company PROMOPIXEL also charges for the costs incurred by the day-to-day processing and specifically, but not limited to, banking discharges, registered letters, administrative costs relating to a specific procedure.
7. In the event of late payment of any amounts due by the Registrar to the company PROMOPIXEL and with regard to the injury suffered by the company PROMOPIXEL because of this delay, the company PROMOPIXEL may apply penalties equal to one and a half times (1.5) the legal rate of interest between the contractual date of payment and the actual date of payment, without prejudice to any other compensation to which it is entitled.

XI. RESPONSABILITY

1. The parties are bound, as applicable to each, to an obligation of means, except for the application of the rules of the Naming Charter(s) and their appendix (appendices) for which the Registrar is under an obligation of performance.
2. The Registrar shall be personally responsible for any claims and/or procedure, whatever their forms and natures, that could be made against the company

PROMOPIXEL by a third party and which may be directly or indirectly related to the obligations of the Registrar described herein.

3. For this purpose, the Registrar undertakes to pay directly to the claimant all amounts requested by the company PROMOPIXEL as such, and if necessary intervene voluntarily in all proceedings initiated against the company PROMOPIXEL, as well as protect it against all judgements handed down on this occasion.
4. Otherwise, compensations and expenses of any kind taken over by the company PROMOPIXEL for its defence, including lawyer's fees, as well as all damages eventually pronounced against its interests, shall be charged to the Registrar.
5. The company PROMOPIXEL cannot in any circumstances be responsible for indirect loss or damage, including commercial harm, loss of orders, any commercial issue, loss of profits. Any action brought against the Registrar by a third party constitutes an indirect damage, consequently it confer a right to compensation.
6. The parties agree that, in case of a decision of condemnation, damages charged to the company PROMOPIXEL are restricted to the sums actually received by the Registrar for services or supplies that led to the involvement of its civil liability.

XII. USER ID

1. The Registrars have user ID that are submitted to them by the company PROMOPIXEL. In cases where Registrars is allowed to modify all or part of their user ID, then this change is made at the sole discretion and sole responsibility of Registrars.
2. The technical arrangements for the implementation of these user IDs (login/password, electronic signatures and certificates, etc.) are defined by the company PROMOPIXEL and the Registrar undertakes to implement these according to the indications that are provided by the company PROMOPIXEL.
3. The Registrar has sole responsibility for the protection and confidentiality of its user ID and all confidential information potentially transmitted by the company PROMOPIXEL.
4. The Registrar is committed to take all appropriate actions to comply with and uphold, by authorised users, complete confidentiality, by failing to communicate under no circumstances the user ID to persons other than employees.
5. Any use of user ID(s) conclusively implies the utilisation of the service by the Registrar until an objection is raised.
6. The Registrar shall initiate promptly, by any appropriate means, a reporting to the company PROMOPIXEL about communication problems with third parties and theft of its user ID. This information will be subject to a registered letter with acknowledgment of receipt.

XIII. CONVENTION OF PROOF AND DEMATERIALISATION

1. Exchanges between the company PROMOPIXEL and the Registrar shall be made by electronic means to the addresses specified by the parties.
2. The electronic documentations exchanged between the parties are a tangible evidence, provided that the person of origin is identified correctly they come from and they are made and they are made and kept under reasonable conditions to ensure its integrity. In the case of a disagreement between the parties, the information stored on the servers of the company PROMOPIXEL is considered as authentic by the parties.
3. The company PROMOPIXEL makes every effort to adopt a policy of dematerialisation in order to facilitate the relationship with the Registrars and the implementation of administrative operations. The conditions of this dematerialisation are communicated to the Registrar by the company PROMOPIXEL before they were implemented.

XIV. JUSTIFICATION AND ELECTRONIC ARCHIVING

1. The Registrar is responsible for the elements and/or documents that it communicates to the company PROMOPIXEL. It ensures the preservation of the documents provided by its Customer.
2. It is responsible for sending the company PROMOPIXEL the necessary background where such communication appears necessary. In all other cases, it communicates the elements and/or documents upon request of the company PROMOPIXEL in application of these provisions.
3. The Registry undertakes to be responsible for the preservation of data and documents that he has. The company PROMOPIXEL assumes no responsibility for:
 - an inability to communicate these elements;
 - the communication of elements subject to challenges to its weight.

XV. CONTROLS

1. The company PROMOPIXEL may carry out spot checks.
2. These controls can be made by book inspections or on-site inspections.
3. The control is said "book inspections" when the company PROMOPIXEL asks to be furnished with one or more elements and/or documents. The Registrar communicates the elements and/or documents within a maximum of 72 hours, reduced to 48 hours in the case of an emergency.



4. The test can be conducted on site on the proviso the Registrar is informed 72 hours in advance.

XVI. COLLABORATION

1. The Parties agree to work together intensively in the context of their relationship.
2. The Parties commit themselves to maintain an active and regular collaboration by communicating to each other all requested items.
3. The Registrar shall notify the company PROMOPIXEL all the difficulties that it may judge by his experience, as and when the execution of these, to allow for their integration as quickly as possible, thus helping to secure the naming zone organised by the company PROMOPIXEL.
4. The Registrar has an obligation to cooperate and collaborate with the company PROMOPIXEL, as well as other registrars where required, to ensure that any request from the company PROMOPIXEL concerning the management of a domain name of management areas, whether it is a request of blocking, transfer or removal of a domain name, is actually executed.

XVII. CONFIDENTIALITY

1. The Parties is committed in complying with the obligation of confidentiality on information of any kind known to them during the implementation of the present contract.
2. This obligation of confidentiality does not apply:
 - in the event that one or other of the parties has to disclose this information in judicial processes, whatever the reason,
 - in the event that one or other of the parties has to provide evidence to the tax authorities writing in accordance with the present contract;
 - to the accountants and auditors of the parties, as they are subject to the obligation of professional secrecy with regard to their Registrar under Article 378 of the Penal Code.
3. The provisions of this Rule shall remain in effect even after termination of contractual relations between the company PROMOPIXEL and the Registrar.

XVIII. COMPUTING AND CIVIL LIBERTIES

1. In the context of the supply by the Registrar to the company PROMOPIXEL of personal data, the Registrar ensures that:
 - the obligations stipulated in law n° 78-17 of 6 January 1978 have been met by it, including:

- (1) the consideration of the declaration or prior approval obligations in time and obtaining receipts or approving decisions-related,
 - (2) the requirement to notify the persons concerned and obtain the persons' consent if necessary,
 - (3) the implementation of means for collecting and processing fair and lawful data,
 - (4) the consideration of the access, rectification and opposition rights afforded to the persons concerned;
- personal data can be lawfully communicated or transmitted to the company PROMOPIXEL and the latter can have the free usage within the bounds of respecting the with legal requirements;
- personal data communicated or transmitted are existing, complete in relation to the original files and accurate in terms of the information collected.
2. The company PROMOPIXEL is deemed to have the right to exploit, without restriction or reservations, as a controller within the meaning of the law No. 78-17 of 6 January 1978 relating to computers, files and civil liberties, personal data in all places, for all needs that relate to its activities in whatever form, on any material, during the term of the present contract and later without time constraints.
3. In any event, the company PROMOPIXEL reserves the right to create exclusion lists within the meaning of the French Data Processing and Civil Liberties Law, in applying the CNIL decision of 13 September 2007 No. 2007-246 and without notice to the Registrar.
4. Personal data communicated by the Registrar is the subject to automated processing, by the company PROMOPIXEL, the National Commission for Data Protection and Liberties (CNIL).
5. The company PROMOPIXEL has designated a correspondent for the protection of personal data, called correspondent CNIL who, under Article 22 II of Law No. 78-17 of 6 January 1978, has the task of drawing up a list of the processings and make a consultation to ensure compliance by the company PROMOPIXEL of the French Data Processing and Civil Liberties Law.
6. The Registrar agrees to notify immediately the Company PROMOPIXEL by e-mail or fax in the case of control carried out by the CNIL and covers data relating to naming.

XIX. ADMINISTRATIVE PROCEDURES

1. Each Party must ensure that it has obtained all necessary administrative authorisations for the execution of his duties.

XX. PROMOTION - ADVERTISING

1. The Registrar respects the intellectual, industrial, literary and artistic property Promopixel held by the company PROMOPIXEL. The Registrar may only use



- and/or reproduce the trademarks, logos and other distinctive signs of the company PROMOPIXEL with his express consent.
2. The company PROMOPIXEL wants to become a promotional antenna of Registrars and to this respect it may engage in a number of promotional campaigns and/or advertising.
 3. The company PROMOPIXEL keeps updated, on its website, the information provided in the contract.
 4. The company PROMOPIXEL can also initiate and organise "special operations" to develop the naming zones that it administers.
 5. It is the responsibility of the Registrar to participate or not in "special operations" organised by the company PROMOPIXEL under conditions sent out previously.
 6. The participation of each Registrar in a "special operation" may be the subject of a particular agreement under the present contract.

XXI. OUTSOURCING

1. The Registrar may outsource all or part of its services, but in any event it remains solely responsible for the correct application of the present contract.

XXII. INSURANCE

1. Each party declares that it is insured for all the harmful consequences of the acts against which it could be held accountable in applying the present contract, with a reputedly solvent insurance company.

XXIII. PENALTIES

1. In the case of failure by the Registrar to any of its obligations, the company PROMOPIXEL may issue one of the following penalties:
 - warning by e-mail: the warning is a minor penalty. It is intended to remind the Registrar of its obligations;
 - on-site observation: the on-site observation remains to report the failure(s) identified by the company PROMOPIXEL. It tends to restore the balance of the information to the public;
 - Temporary suspension: the temporary suspension is related to a more severe failure than those that may result in a warning or on-site observation. In the case of temporary suspension of its account, the Registrar cannot proceed with any new administrative operation on the domain names under its management, or make new recordings;

- lump sum penalty: the company PROMOPIXEL may impose on the Registrar a pecuniary sanction of 500 euros exc. tax. The lump sum penalty may be combined with other sanctions or be applied independently.
2. The penalty imposed by the company PROMOPIXEL is proportional to the seriousness of the identified failure(s).
 3. Sanctions are independent of one another and are not considered obligatory steps.
 4. The notification procedure of the failure to the Registrar is as follows:
 - The company PROMOPIXEL sends a registered letter with acknowledgment of receipt to the Registrar, notifying the identified failure(s), as well as the sanction(s) being considered;
 - the Registrar has a period of eight (8) calendar days to respond to the company PROMOPIXEL and to state its position;
 - the sanction applied is appropriate or not depending on the response of the Registrar;
 - the lack of response from the Registrar will act as an acceptance on his part.
 5. The implementation of sanctions helps to ensure a better quality of the services rendered.

XXIV. RÉOLUTION - TERMINATION

1. In the event of serious and repeated failure of the Registrar to carry out any of its obligations, the company PROMOPIXEL shall have the right to pronounce the resolution/termination of the present contract.
2. The procedure for resolving/terminating the contract is as follows:
 - registered letter with acknowledgment of receipt notifying the suspension of the Registrar's account within forty-eight (48) hours;
 - suspension of the Registrar's account for a period of fifteen (15) calendar days
 - decision pronouncing the resolution/termination of the contract by a fifteen-days (15) notice with a registered letter with acknowledgment of reception.
3. Unless failure of particular gravity, account suspension will normally occur after several reminders from the company PROMOPIXEL.
4. The Registrar has the ability at any moment to contact the company PROMOPIXEL to remedy its failure.

XXV. NON RENEWAL OF THE CONTRACT BY THE REGISTRAR

1. The Registrar may terminate the present contract by registered letter with acknowledgment of receipt to the company PROMOPIXEL:
 - when the contract and/or the invoicing schedule is reviewed before 31 December of the current year. Such denunciation shall take effect on 31 December of the current year.

- prior to expiry of the current contract period, using a notice of 30 days, notifying the company PROMOPIXEL its decision not to renew its contract.

XXVI. CONSEQUENCES OF TERMINATION OF THE CONTRACTUAL RELATIONSHIP

1. In the event of termination of the contractual relationship for any reason whatsoever (total or partial cessation of activity, insolvency procedures, assignment, termination for default, etc.), the company PROMOPIXEL disables the Registrar's account at the effective date of termination of the contractual relationship and removes its name from the list of the Registrars available online.
2. The Registrar shall inform its customers that they need to choose a new Registrar for all orphan domain names they hold.
3. It is the responsibility of the Registrar to handle the migration of domain names it manages under the present contract no later than the date of termination of the contractual relationship.
4. Consequently, in the event of expiry or resolution of the contract for any reason whatsoever, the Customer deserves that the Registrar communicates all necessary information to enable him to prepare the migration of the orphan domain names.
5. In this respect, the Registrar bears full responsibility for the claims and remedies of its customers.
6. While this is not an obligation, the company PROMOPIXEL may contact the Registrar's customers directly to inform them of the situation and ask them to choose a new Registrar. Under these circumstances, the Registrar shall bear the charges of any kind (including mailing charges) corresponding to the formalities undertaken by the company PROMOPIXEL on its behalf.
7. The termination of the contractual relationship for any reason whatsoever (total or partial cessation of activity, insolvency procedures, assignment, termination for default, etc.) will require immediate payment of amounts due, including any penalties of the previous levels.
8. Starting from the termination of the contractual relationship, the Registrar shall return all documents provided by the company PROMOPIXEL and no longer use the documents, codes and user IDs communicated by the company PROMOPIXEL. Failing the return of these within two weeks (15 days) after the termination of the contractual relationship, the Registrar is committed to destroying all documents provided and remove all user IDs allocated by the company PROMOPIXEL. In addition, the Registrar undertakes not to use any logo, trademark or other distinctive sign of the company PROMOPIXEL.

XXVII. CONTRACT ASSIGNMENT

1. For reasons of good management of domain names in the naming zone organised by the company PROMOPIXEL, and the safeguarding of Registrar's customers interest, the rights and obligations arising from the present contract cannot be transferred totally free of charge or partially against payment, except in accordance with the following cumulative conditions:
 - The company PROMOPIXEL is given prior notification;
 - all amounts payable to the company PROMOPIXEL by the originating Registrar are fully paid and actually collected by the company PROMOPIXEL;
 - The company PROMOPIXEL receives the formalised agreement of the originating Registrar and the Registrar who shall take back the terms of the present contract by a registered letter with acknowledgment of receipt;
 - The company PROMOPIXEL receives within 30 days of the assignment the new contract duly completed by the new Registrar, including information about its contact information;
 - all domain names managed by the originating Registrar are taken into account and all customers are given notice of the change to be performed by the latter.
2. The company PROMOPIXEL can transfer to any legal person of his choice, all or part of the rights and obligations as defined in the present contract, with the responsibility for informing the Registrar.

XXVIII. NULLITY

1. If one or more provisions of the present contract are regarded as invalid or held to be such under the application of a law, a regulation or following a final decision of by competent jurisdiction, the other provisions retain their range and effect.

XXIX. TITLES

1. Where difficulties arise in interpreting any one of the titles appearing at the head of the clauses, and any of the clauses themselves, titles will be declared non-existent.

XXX. FORCE MAJEURE

1. As a first step, the force majeure suspends the execution of the present contract.

2. Should the force majeure event have a duration of one (1) month, the present contract is automatically terminated as of right, unless otherwise agreed.
3. Are considered explicitly force majeure or unforeseen circumstances the events usually retained by the French case law of courts of law.

XXXI. INDEPENDANCE OF THE PARTIES

1. The parties recognise acting individually on their own behalf as separate entities and are not considered as agents of one another.
2. Neither party may make a commitment in the name of and/or on behalf of the other party.
3. In addition, each of the parties remains solely responsible for its acts, allegations, commitments, services, products and human resources.

XXXII. COMPLETENESS

1. The present contract expresses the completeness of the obligations of the parties.

XXXIII.SINCERITY

1. The parties declare these commitments are genuine.
2. As such, they state they do not have material fact to the best of their knowledge that, if it has been communicated to, would have modified the consent of the other party.

XXXIV.LANGUAGE

1. Only the French version of the present contract will prevail between the parties.

XXXV. APPLICABLE LAW

1. These requirements are managed under by French law.

XXXVI. ATTRIBUTION OF COMPETENCE

1. In the event of litigation, and after an attempt to reach an amicable solution, voluntary jurisdiction is attributed to Tribunal de Grande Instance of Paris (District Court of Paris) notwithstanding a plurality of defenders or third party complaint, even for emergency procedures or interim security rulings or by petition.

XXXVII. OPPOSABILITY

1. During the first year, the Registrar becomes a party to this convention by filling in and signing an identification form to return to the company PROMOPIXEL.
2. Should the present contract be revised, the company PROMOPIXEL sends the revised version to the Registrar, under a form of its choice, no later than 1 December of each year.
3. As such, and in application of the new articles 1369-1 and following of the Civil Code, the company PROMOPIXEL can either send the new version of the contracts by electronic mail to the address provided by the Registrar, or diffuse online, in the area reserved for Registrars, the modified version of the contract by inviting the Registrars to connect on its site or become acquainted to it. With regard to contractual relationship between professionals, it was expressly decided to derogate from all procedural and substantive rules prescribed in these articles.
4. Failing to have terminated its contract within the time allowed, the new contractual terms will automatically apply from 1 January the following year.

XXXVIII. REVISION OF THE PRESENT CONTRACT

1. Where appropriate, the terms of the present contract may be revised by the Company PROMOPIXEL.
2. The company PROMOPIXEL commits to revising the present contract only once a year, unless specifically decided by any of its deliberative functions or motivation of the Minister for Electronic Communications.

Appendix 1

Invoicing schedule 2013

The annual fee is payable only once.

Invoicing schedule in € exc. tax, applicable from 1 January to 31 December 2013

Annual fee	200,00 € exc. tax
Creation	7,50 € exc. tax
Reactivation (recover)	7,50 € exc. tax
Transmission (trade)	7,50 € exc. tax
Change of registrar (transfer)	7,50 € exc. tax
Cancellation of creation*	7,50 € exc. tax
Maintenance	7,50 € exc. tax
Modification	0 € exc. tax

* In the absence of constraints linked to naming charter

Special Conditions:

- 1) The costs incurred at the expense of company PROMOPIXEL by banking discharges will give rise to the payment of a penalty of 10 € exc. tax, charged to the bank account or credit card, and, from the second discharge, independent to the application of Article 23 of the contract as regards the application of a lump sum penalty in the case of failure.
- 2) The costs incurred at the expense of company PROMOPIXEL by collection of cheques payable outside the national territory will result in related charging fees, at the end of the financial year, according to the current banker's rate of exchange.

Appendix 2

Withdrawal authorisation

Print in duplicate and sign. Send one to Promopixel and the second to your bank. Must be enclosed with a bank account number (RIB), postal account number (RIP) or savings bank (RICE).

Name and address of creditor PROMOPIXEL 29 rue Popincourt 75011 PARIS National originator number: 560060		
Debtor		Debit account
Last name		
First name		
Company		DESIGNATION OF THE INSTITUTION HOLDING THE DEBIT ACCOUNT
Full address		
Date and signature		

I give my authorisation to the Institution holding my account to make, if the situation permits, all withdrawals ordered by the creditor named below. In the event of litigation on withdrawal, I may suspend its execution through a simple request to the Institution holding my account. I will then settle the amount directly with the creditor.

The information contained in this document will only be used only for management purposes and could lead to the exercise of the individual right of access and rectification at the creditor named above, in accordance with decision No. 80/10 of 1.4.80 of the National Commission for Information Technology and Civil Liberties (CNIL).

Appendix 3

IDENTIFICATION OF THE REGISTRAR

All fields are required.

The registrar certifies that it is an AFNIC customer or CANN accredited.

Company identification

Company name (*attach Kbis or JO publication*):

SIREN / SIRET:

No. intra-community VAT:

(Required for EU companies)

Headquarters Address:

Postal code and city:

Country:

URL <http://>

Legal representative

First name:

Last name:

Title:

Telephone:

Fax:

Email:

Administrative and financial contact

First Name:

Last name:

Address (*if different from the headquarters*):

Telephone:

Fax:

Email:

Technical Contact NOC

First name:

Last name:

Address (*if different from the headquarters*):

Telephone:

Fax:

Email:

HEXAP.



EXHIBIT 3

Exhibit 3 – Eligible Registrants for the .Med Extension

Practitioners:	Generalist medical practitioners
	Specialist medical practitioners
	Nursing professionals
	Midwifery professionals
	Traditional and complementary medicine professionals
	Paramedical practitioners
	Dentists
	Pharmacists
	Environmental and occupational health and hygiene professionals
	Physiotherapists
	Dieticians and nutritionists
	Audiologists and speech therapists
	Optometrists and ophthalmic opticians, orthoptists
	Chiropractors, Osteopaths

Practitioners: Entities:	Hospitals, health care facilities
	Ambulances
	Pharmacies
	Medical laboratories
	Schools, Universities
	Pharmaceutical industries
	Libraries
	Scientific and Academic publishers
	Public health journals
	Boards, Orders, Colleges, Government related councils
	Public administrations, ministries
	Academies
	Scientific organizations
	Professional associations
	Health care professionals unions

HEXAP.



EXHIBIT 4

Conseil d'État**N° 348259****ECLI:FR:CESSR:2012:348259.20120427**

Publié au recueil Lebon

4ème et 5ème sous-sections réunies

M. Jacques Arrighi de Casanova, président

M. Christophe Eoche-Duval, rapporteur

M. Rémi Keller, rapporteur public

SCP RICHARD ; SCP LYON-CAEN, THIRIEZ, avocats

Lecture du vendredi 27 avril 2012**REPUBLIQUE FRANCAISE****AU NOM DU PEUPLE FRANCAIS**

Vu le pourvoi sommaire et le mémoire complémentaire, enregistrés les 8 avril et 8 juin 2011 au secrétariat du contentieux du Conseil d'Etat, présentés pour M. Bertrand A, demeurant ... ; M. A demande au Conseil d'Etat :

1°) d'annuler la décision du 10 mars 2011 par laquelle la chambre disciplinaire nationale de l'ordre des chirurgiens-dentistes, réformant la décision du 12 avril 2010 de la chambre disciplinaire de première instance de l'ordre des chirurgiens-dentistes de la région Rhône-Alpes prononçant à son encontre la sanction de l'interdiction d'exercer la profession de chirurgien-dentiste pendant deux mois avec sursis, a décidé que la sanction ne sera assortie du sursis que pour une période d'un mois et demi et prendra effet du 1er juillet au 15 juillet 2011 inclus ;

2°) de mettre à la charge du Conseil national de l'ordre des chirurgiens-dentistes et du conseil départemental de l'ordre des chirurgiens-dentistes de Haute-Savoie une somme de 3 500 euros en application de l'article L. 761-1 du code de justice administrative ;

Vu les autres pièces du dossier ;

Vu le code de la santé publique, modifié notamment par la loi n° 2002-303 du 4 mars 2002 et par l'ordonnance n° 2005-1040 du 26 août 2005 ;

Vu le code de justice administrative ;

Après avoir entendu en séance publique :

- le rapport de M. Christophe Eoche-Duval, Conseiller d'Etat,

- les observations de la SCP Richard, avocat de M. A et de la SCP Lyon-Caen, Thiriez, avocat du Conseil national de l'ordre des chirurgiens-dentistes,

- les conclusions de M. Rémi Keller, rapporteur public ;

La parole ayant été à nouveau donnée à la SCP Richard, avocat de M. A et à la SCP Lyon-Caen, Thiriez, avocat du Conseil national de l'ordre des chirurgiens-dentistes,

Sur la régularité de la saisine de la juridiction disciplinaire :

Considérant, en premier lieu, qu'aux termes de l'article L. 4123-2 du code de la santé publique, issu du V de l'article 18 de la loi du 4 mars 2002 relative aux droits des malades et à la qualité du système de santé et modifié par l'ordonnance du 26 août 2005 : " Il est constitué auprès de chaque conseil départemental une commission de conciliation composée d'au moins trois de ses membres. La conciliation peut être réalisée par un ou plusieurs des membres de cette commission, selon des modalités fixées par décret en Conseil d'Etat. / Lorsqu'une plainte est portée devant le conseil départemental, son président en accuse réception à l'auteur, en informe (...) le chirurgien-dentiste (...) mis en cause et les convoque dans un délai d'un mois à compter de la date d'enregistrement de la plainte en vue d'une conciliation. / En cas d'échec de celle-ci, il transmet la plainte à la chambre disciplinaire de première instance avec l'avis motivé du conseil dans un délai de trois mois à compter de la date d'enregistrement de la plainte, en s'y associant le cas échéant (...) " ;

Considérant qu'eu égard à l'objet de la procédure de conciliation, qui est de permettre aux parties de régler le différend qui les oppose avant qu'il ne soit éventuellement porté devant la juridiction disciplinaire, et à la mission de l'ordre, qu'il exerce à travers ses différents conseils, de veiller au respect de la déontologie, c'est sans erreur de droit que la chambre disciplinaire nationale a jugé que la procédure de conciliation, qui doit en principe être organisée par le conseil départemental lorsqu'une plainte contre un chirurgien-dentiste est portée devant lui, est sans objet lorsque la plainte émane d'une ou de plusieurs des instances de l'ordre ; qu'ainsi le moyen tiré de ce que le juge disciplinaire aurait été irrégulièrement saisi de la plainte déposée par le Conseil national de l'ordre des chirurgiens-dentistes, faute de procédure préalable de conciliation, ne peut qu'être écarté ;

Considérant, en second lieu, qu'en vertu des dispositions de l'article R. 4126-1 du code de la santé publique, l'action disciplinaire contre un chirurgien-dentiste peut être introduite devant la juridiction disciplinaire par le conseil national ou le conseil départemental de l'ordre au tableau duquel le praticien poursuivi est inscrit, soit agissant de leur propre initiative, soit à la suite de plaintes émanant de personnes énumérées à cet article qu'ils transmettent, le cas échéant en s'y associant ; qu'il ressort des pièces du dossier soumis aux juges du fond qu'en déclarant s'associer à la plainte déposée directement par le conseil national à l'encontre de M. A, le conseil départemental de l'ordre de Haute-Savoie doit être regardé comme ayant présenté une plainte en son nom propre ; qu'ainsi la chambre disciplinaire de première instance était saisie régulièrement de deux plaintes introduites à la fois par le conseil national et par le conseil départemental au tableau duquel le praticien poursuivi était inscrit ; que le moyen tiré de l'erreur de droit prétendument commise par la chambre disciplinaire nationale pour n'avoir pas relevé l'irrégularité résultant de la présence du conseil départemental alors qu'il n'aurait pas transmis de plainte ne peut donc qu'être écarté ;

Sur la procédure suivie devant la chambre disciplinaire nationale :

Considérant qu'il ressort des pièces du dossier soumis aux juges du fond que le nouveau mémoire présenté par le Conseil national de l'ordre des chirurgiens-dentistes le 2 février 2011 ne comportait

aucun élément nouveau par rapport au dossier soumis à la chambre disciplinaire nationale et dont le requérant avait connaissance ; que par suite, et en tout état de cause, la circonstance que le requérant n'aurait pas eu un délai suffisant pour répondre à la communication de cette pièce n'a pas porté atteinte aux droits de la défense ni au caractère contradictoire de la procédure ; que le moyen tiré de l'irrégularité, de ces chefs, de la décision attaquée ne peut dès lors qu'être écarté ;

Sur le bien-fondé de la décision attaquée :

Considérant qu'aux termes de l'article R. 4127-215 du code de la santé publique : " La profession dentaire ne doit pas être pratiquée comme un commerce. / Sont notamment interdits : (...) 3° Tous procédés directs ou indirects de publicité ; / 4° Les manifestations spectaculaires touchant à l'art dentaire et n'ayant pas exclusivement un but scientifique ou éducatif. (...) " ; qu'aux termes de l'article R 4127-225 du même code : " (...) Sont également interdites toute publicité, toute réclame personnelle ou intéressant un tiers ou une firme quelconque. " ; qu'enfin, les articles R. 4127-216 à R. 4127-219 du même code précisent les indications que le chirurgien-dentiste est autorisé à faire figurer sur ses imprimés professionnels, dans un annuaire, sur une plaque professionnelle ou dans un communiqué public ; que, si le site internet d'un chirurgien-dentiste peut comporter, outre les indications expressément mentionnées dans le code de la santé publique, des informations médicales à caractère objectif et à finalité scientifique, préventive ou pédagogique, il ne saurait, sans enfreindre les dispositions précitées de ce code et les principes qui les inspirent, constituer un élément de publicité et de valorisation personnelles du praticien et de son cabinet ;

Considérant qu'il ressort des énonciations de la décision attaquée que les éléments que M. A avait publiés sur un site internet en vue de présenter son cabinet mettent en avant son profil personnel, des réalisations opérées sur des patients, les soins qu'il prodigue et les spécialités dont il se recommande et excèdent de simples informations objectives ; qu'en jugeant qu'un tel site constituait une présentation publicitaire du cabinet dentaire en cause, constitutive d'un manquement aux devoirs déontologiques, la chambre disciplinaire nationale, qui a suffisamment motivé sa décision, n'a pas commis d'erreur de droit et a exactement qualifié les faits de l'espèce ;

Considérant, par suite, que M. A n'est pas fondé à demander l'annulation de la décision attaquée ;

Considérant que les dispositions de l'article L. 761-1 du code de justice administrative font obstacle à ce qu'une somme soit mise à ce titre à la charge du Conseil national de l'ordre des chirurgiens-dentistes qui n'est pas, dans la présente instance, la partie perdante ; qu'en revanche, il y a lieu, dans les circonstances de l'espèce, de mettre à la charge de M. A une somme de 3 000 euros à verser au Conseil national de l'ordre des chirurgiens-dentistes, au titre des ces mêmes dispositions ;

D E C I D E :

Article 1er : Le pourvoi de M. A est rejeté.

Article 2 : M. A versera au Conseil national de l'ordre des chirurgiens-dentistes une somme de 3 000 euros au titre de l'article L. 761-1 du code de justice administrative.

Article 3 : La présente décision sera notifiée à M. Bertrand A, au Conseil national de l'ordre des chirurgiens-dentistes et au conseil départemental de l'ordre des chirurgiens-dentistes de Haute-Savoie.

HEXAP.



EXHIBIT 5



APPLICATION DETAILS

[View Application Update History](#)

Application ID: 1-1192-28569

String: MED ([download public portion of application](#))

Applicant: HEXAP SAS

Prioritization Number: 1732

Address: 10 rue de la Paix, Paris, - 75002, FR

Web Site: <http://www.hexap.com>

Primary Contact: Mr. Jerome Lipowicz

Phone Number: +33 613 179 098

Email: office@hexap.com

Attachments (22):

Caution: these files were prepared and submitted by a party other than ICANN, and ICANN is not responsible for the content. The files could contain scripts or embedded links that might execute or open automatically. You should make sure your operating system and applications (including antivirus definitions if applicable) are fully updated. Proceed at your own risk.

- [20f \(MED Endorsement BuzzMed.pdf\)](#)
- [20f \(MED Endorsement ANCD.pdf\)](#)
- [20f \(MED Endorsement Cancer Campus.pdf\)](#)
- [20f \(MED Endorsement Mayo Clinic.pdf\)](#)
- [20f \(MED Endorsement ONCD.pdf\)](#)
- [20f \(MED Endorsement Ordre des Sages-Femmes.pdf\)](#)
- [20f \(MED Endorsement Radboud.pdf\)](#)
- [20f \(MED Endorsement Stanford.pdf\)](#)
- [20f \(MED Endorsement CNOM.pdf\)](#)
- [20f \(MED Endorsement Coliquio.pdf\)](#)
- [20f \(MED Endorsement Consensus.pdf\)](#)
- [20f \(MED Endorsement Doctors.net.uk.pdf\)](#)
- [20f \(MED Endorsement Eugenol Abcdent.pdf\)](#)
- [20f \(MED Endorsement FDI.pdf\)](#)
- [20f \(MED Endorsement Global Media Sante.pdf\)](#)
- [20f \(MED Endorsement Catherine Cerisey.pdf\)](#)
- [20f \(MED Endorsement Carenity.pdf\)](#)
- [23 \(Q23 - Overview of the Registry Services - Attachment v2.0.pdf\)](#)
- [24 \(Q24 Shared Registration System - Attachment.pdf\)](#)
- [25 \(Q25 Extensible Provisioning Protocol - Attachment.pdf\)](#)
- [26 \(Q26 WHOIS - Attachment.pdf\)](#)
- [27 \(Q27 Registration Lifecycle - Attachment.pdf\)](#)

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, Annex I, and Annex II of the GAC Beijing 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	UK Creative Ideas Limited
Application ID	1-1211-27884
Applied for TLD (string)	ART

Response:

The GAC “Safeguard Advice” for category 1 applicants is adding de facto application requirements for New gTLD applications that may adversely affect an applicant’s ability to secure and fully utilize the gTLD for the purpose they intended. Applicants reasonably relied on and made a decision to apply for a gTLD based on the requirements outlined in the ICANN New gTLD Applicant Guidebook (“AGB”). Prior to launch of the New gTLD Application Window in January 2012, the AGB had gone through several years of extensive community policy debate and revision, in which the GAC was privy and actively took part. The proper time to add these additional requirements would have been during those policy discussions and not now, more than a year after applicants committed resources (time/money/staff) and built business plans and strategies for which their applied for new gTLD is a critical component. Therefore, it is our position that addition of such criteria at this late stage is not only unfair to individual applicants, but also significantly undermines the ICANN bottom-up, multi-stakeholder, consensus policy development process.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	dot Date Limited
Application ID	1-1247-30301
Applied for TLD (string)	.DATE

Response:

Date GAC Advice Response to the ICANN Board

Date

The applicant was extremely surprised and disappointed to see the inclusion of our application for .date (1-1247-30301) in the list of strings that the GAC has requested be delayed until the GAC has had a chance for further consideration during the July meeting in Durban. Our surprise stems from the following points:

1) On November 20, the applicant received an early warning from the Government of Japan about concerns related to the application of .date. In our Japanese and English responses sent to the Government of Japan on 18/01/2013 we explained the following points:

a) The dot Date Limited application for .date is not an application for a geographic name.

As part of the ICANN new gTLD Application process, applicants were required to answer a question as to whether the application is for a geographic name. Our answer is as follows:

21(a). Is the application for a geographic name?

No

Furthermore, The Guidebook says at 2.2.1.4.2:

GAC Advice Response Form for Applicants



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:

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

Our application is not intended for use for the cities of Date. The guidebook specifically envisages the situation where a generic name is the same as a city name, and provides for this possibility.

Since our application is not a geographic application, we are not required to submit documentation of support or non-objection from a local governmental authority.

b) The mission and purpose of our .date registry is to create secure and stable online environment for the online dating sector, not about geographic locations.

Our answer to question 18(a) Mission and Purpose contains the following information about why we are applying for .date:

Why .date?

Online dating has become increasingly popular over the past decade. It has allowed millions of users to connect with others across cultural, social and economic borders and in some cases start something special. However choosing the right dating site can be a difficult decision to make.

Since its inception the internet has revolutionized the way we communicate, empowered hundreds of millions with knowledge and created a platform where global commerce can thrive. However, access to the countless benefits and opportunities which the internet offers can often be hindered when navigating the ever-expanding sea of irrelevant and sometimes malicious content which also exists.

Thus, the aim of .date is to create a blank canvas for the online dating sector set within a secure environment. The Applicant will achieve this by creating a consolidated, versatile and dedicated space for the dating sector. As the new space is dedicated to those within the dating affinity group the Applicant will ensure that consumer trust is promoted. Consequently consumer choice will be augmented as there will be a ready marketplace specifically for dating enterprises to provide their goods and services. All stakeholders within the sector

will be able to sample reactions to new ideas, or gather thoughts on the improvements of established ones. This will drive innovation and competition within the dating sector as there will be new channels available not yet fulfilled by current market offerings. This new environment will cause registrants to seek new ways to separate themselves from the competition.

c) The risk of confusion is extremely remote.

People who visit the websites for cities in Japan are used to following a specific nomenclature for the domain name: `www.city.date.[prefecture].jp` where all city websites end in `.jp`. In the event one mistakenly visits a website ending in `.date`, spelled with Latin Alphabet Characters, it will be readily apparent from the content that this is not affiliated with a city in Japan.

The chances of this happening are remote.

2) The ICANN Board should be concerned with issues of fundamental fairness and transparency in the GAC Early Warning and Objection Process.

As an applicant in the new gTLD program, we have subjected ourselves to following the rules and procedures that govern the program, including the GAC Early Warning and Advice procedures. As such, we abided by these in responding to the Government of Japan's Early Warning and in submitting a PIC Specification as called for by the GAC as a whole.

Even though we have followed the procedures, we have never heard back from the Government of Japan regarding our response and efforts to alleviate their concerns regarding our application. As the deliberations among the GAC members in Beijing were closed to the public, we have no way of knowing what specific concerns have been raised in addition to the initial concerns raised by the Government of Japan or if other members of the GAC share these same concerns.

As an applicant, it is impossible for us to effectively discuss the issues with the GAC or individual members of the GAC if they themselves do not engage in good faith discussions with applicants.

During the intervening months before the meeting in Durban, we will continue our efforts to engage the Government of Japan to alleviate these concerns but if Governments themselves do not come to the table to discuss these issues, applicants such as ourselves are not an equal partner in the multistakeholder model.

This is not to say that every early warning was like this. Other applications submitted by related entities received early warnings from the Government of Australia. After receiving our

GAC Advice Response Form for Applicants



responses to the Early Warnings from Australia, we were invited to further discuss the issues at hand with the Australian GAC representative and additional members of the Australian Government.

In approving the Guidebook and new gTLD program, the ICANN Board cemented a process that if followed by all parties in the ICANN model, would allow for an exchange of thoughts and solutions on applications where governments have legitimate concerns. This process also includes procedures and definitions about types of strings as previously referenced in this response and embodied in the Applicant Guidebook.

This case of Advice is unfortunate because we could be prevented from rightfully operating a new gTLD registry because one government did not follow the Board Approved process. That is not what the ICANN Board envisioned and certainly not what applicants expected after paying fees and submitted applications.

Ultimately our hope is the Government of Japan decides to take us up on our willingness to discuss their concerns. Absent that, we ask the Board of Directors to exercise its authority as outlined in the ICANN Bylaws and Applicant Guidebook and not delay the processing of our application for .date by rejecting the GAC advice on this application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Despegar Online SRL
Application ID	1-1249-1940
Applied for TLD (string)	.HOTELES

Response:

Despegar Online SRL (“Despegar”) would like to affirm to the ICANN Board our commitment to operating the .HOTELES gTLD in a manner that reflects our history of corporate responsibility.

Despegar is a leading multinational tourism organization and a branch of the largest online travel agency in Latin America. Despegar enables customers to book airline tickets, hotel rooms, rental cars, vacation packages, and other travel-related services. Despegar also powers travel bookings for various airlines, hotels, rental car agencies, and other tourism-related organizations internationally. Despegar serves more than five million clients annually and has a presence in 21 countries.

In line with our overarching mission, Despegar plans to operate the .HOTELES gTLD as a trusted, hierarchical, secure, and intuitive namespace provided by Despegar for its global audience. Despegar will operate .HOTELES as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and

- The provision of incomplete or inaccurate WHOIS information.
In doing so, Despegar aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." In association with this recommendation, the Governmental Advisory Committee (GAC) identifies a non-exhaustive list of generic strings seeking exclusive registry access.

While Despegar's .HOTELES application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .HOTELES gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Despegar's .HOTELES application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Despegar Online SRL
Application ID	1-1249-36568
Applied for TLD (string)	HOTEL

Response:

Despegar Online SRL (“Despegar”) would like to affirm to the ICANN Board our commitment to operating the .HOTEL gTLD in a manner that reflects our longstanding history of corporate responsibility.

Despegar is a leading multinational tourism organization and a branch of the largest online travel agency in Latin America. Despegar enables customers to book airline tickets, hotel rooms, rental cars, vacation packages, and other travel-related services. Despegar also powers travel bookings for various airlines, hotels, rental car agencies, and other tourism-related organizations internationally. Despegar serves more than five million clients annually and has a presence in 21 countries.

In line with our overarching mission, Despegar plans to operate the .HOTEL gTLD as a trusted, hierarchical, secure, and intuitive namespace provided by Despegar for its global audience. Despegar will operate .HOTEL as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, Despegar aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee’s Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .HOTEL as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .HOTEL gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Despegar's .HOTEL application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Despegar Online SRL
Application ID	1-1249-57355
Applied for TLD (string)	.PASSAGENS

Response:

Despegar Online SRL (“Despegar”) would like to affirm to the ICANN Board our commitment to operating the .PASSAGENS gTLD in a manner that reflects our history of corporate responsibility.

Despegar is a leading multinational tourism organization and a branch of the largest online travel agency in Latin America. Despegar enables customers to book airline tickets, hotel rooms, rental cars, vacation packages, and other travel-related services. Despegar also powers travel bookings for various airlines, hotels, rental car agencies, and other tourism-related organizations internationally. Despegar serves more than five million clients annually and has a presence in 21 countries.

In line with our overarching mission, Despegar plans to operate the .PASSAGENS gTLD as a trusted, hierarchical, secure, and intuitive namespace provided by Despegar for its global audience. Despegar will operate .PASSAGENS as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and

- The provision of incomplete or inaccurate WHOIS information.
In doing so, Despegar aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." In association with this recommendation, the Governmental Advisory Committee (GAC) identifies a non-exhaustive list of generic strings seeking exclusive registry access.

While Despegar's .PASSAGENS application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .PASSAGENS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Despegar's .PASSAGENS application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Despegar Online SRL
Application ID	1-1249-83471
Applied for TLD (string)	.VUELOS

Response:

Despegar Online SRL (“Despegar”) would like to affirm to the ICANN Board our commitment to operating the .VUELOS gTLD in a manner that reflects our history of corporate responsibility.

Despegar is a leading multinational tourism organization and a branch of the largest online travel agency in Latin America. Despegar enables customers to book airline tickets, hotel rooms, rental cars, vacation packages, and other travel-related services. Despegar also powers travel bookings for various airlines, hotels, rental car agencies, and other tourism-related organizations internationally. Despegar serves more than five million clients annually and has a presence in 21 countries.

In line with our overarching mission, Despegar plans to operate the .VUELOS gTLD as a trusted, hierarchical, secure, and intuitive namespace provided by Despegar for its global audience. Despegar will operate .VUELOS as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and

- The provision of incomplete or inaccurate WHOIS information.
In doing so, Despegar aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." In association with this recommendation, the Governmental Advisory Committee (GAC) identifies a non-exhaustive list of generic strings seeking exclusive registry access.

While Despegar's .VUELOS application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .VUELOS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Despegar's .VUELOS application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Despegar Online SRL
Application ID	1-1249-87712
Applied for TLD (string)	.HOTEIS

Response:

Despegar Online SRL (“Despegar”) would like to affirm to the ICANN Board our commitment to operating the .HOTEIS gTLD in a manner that reflects our history of corporate responsibility.

Despegar is a leading multinational tourism organization and a branch of the largest online travel agency in Latin America. Despegar enables customers to book airline tickets, hotel rooms, rental cars, vacation packages, and other travel-related services. Despegar also powers travel bookings for various airlines, hotels, rental car agencies, and other tourism-related organizations internationally. Despegar serves more than five million clients annually and has a presence in 21 countries.

In line with our overarching mission, Despegar plans to operate the .HOTEIS gTLD as a trusted, hierarchical, secure, and intuitive namespace provided by Despegar for its global audience. Despegar will operate .HOTEIS as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft;
- Phishing or other forms of online fraud;
- The distribution of malware or operation of botnets; and

- The provision of incomplete or inaccurate WHOIS information.
In doing so, Despegar aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

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While Despegar's .HOTEIS application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .HOTEIS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Despegar's .HOTEIS application.

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Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 2257
Applied for TLD (string)	GREEN

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .GREEN, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .GREEN, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .GREEN:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .GREEN.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .GREEN.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to .GREEN, United TLD is unsure what regulatory body would have jurisdiction to over .GREEN. United TLD notes that the GAC placed .GREEN in the category of “Environmental” strings but use of the term green is not strictly limited to things environmental. Green is a primary color, the name of a political party, and is also a term associated with environmental issues. Because of the varied use of the term, it would be inappropriate, and impossible, to find a “relevant regulatory body” with whom to establish a relationship related to the use of .GREEN. Additionally, what if the relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC.

The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards

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apply directly to United TLD's applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant's authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC's own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing "subsequent additional selection criteria" after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being "sponsored" TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN's mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It's also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the "specific risks" it refers to or which "clear and/or regulated entry requirements" it means. Without a great deal more specifics with respect to the strings being referenced, the

harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, how and why would a registry operator verify and validate “charters” and “licenses” for the registration of a domain name in .GREEN, when the use of the domain name is not known. A registrant may use the domain to showcase certain fashion design, the affinity for a political party, or an environmental cause, where there is no license or charter to operate in that sector. These same examples apply for Safeguard 7, where there may be multiple relevant authorities or NO relevant supervisory authorities with whom to consult. Finally, with respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with any “green” requirements when the requirements none may exist or are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .GREEN to individuals, groups, and businesses that identify themselves with this word, rich with various meanings, and who have an affinity for the wide range of political and environmental causes that are generally associated with being “green,” not forgetting to mention those who favor the popular color. We see tremendous benefits in offering this string as an open top level domain name that will allow registrants to create innovative and specialized products and services that connect with their audience (for example, “pesticides.green” or “clothing.green”). We envision websites that could be created by non-profit organizations, political parties, consumer groups, and environmental groups to educate their constituencies (for example, “socialjustice.green,” or “issues.green” or “living.green”), or by the owners of the thousands of places named “green” (for example, “governors.green” or “kensington.green”). These examples are just some of the many ways United TLD believes registrants will use this extension to create value for consumers who identify with being “green” in whatever context they choose. Restrictive registration policies on .GREEN would place this string at a disadvantage to one without such restrictions.

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Conclusion

United TLD respects ICANN's multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .GREEN and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .GREEN application, please do not hesitate to contact us for more information.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 29190
Applied for TLD (string)	AIRFORCE

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .AIRFORCE, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .AIRFORCE, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .AIRFORCE:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .AIRFORCE.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .AIRFORCE.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to GAC Advice related to .AIRFORCE, United TLD has held meetings with representatives from U.S. Department of Defense and other nations’ Defense Ministries and has agreed to implement additional safeguards to mitigate abuse.

For example, United TLD has agreed to create a prominent notice in WHOIS which will expressly state that the .NAVY TLD is not associated with, or sponsored by, any national or international government agency or branch of the armed forces of any nation. In addition, United TLD will create an informational webpage related to these gTLDs which will clearly explain that the domain names registered are not sponsored or managed by the Defense Department of any sovereign nation.

Also United TLD has agreed to provide the Defense Department, and the communications department within each armed forces branch, an e-mail address and telephone contact number which will be staffed 24/7/365 to handle questions and complaints regarding any registered .NAVY domain name.

Finally, United TLD has agreed to create a “block” list of defense related domains that will not be available for registration at the second level.

We believe that these additional abuse protections, all of which are part of our PICs for all three armed forces related-type strings, are sufficient to address the GAC Advice expressed in this particular safeguard.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC.

The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard

for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants’ validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate whether a registrant is currently serving, or has served, in the armed forces for the registration of a domain name in .AIRFORCE, when the use of the domain name is not known. With respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with the above requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .NAVY as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their military-service audience (for example, “surplus.airforce”). We also envision support groups and organizations forming to establish an online presence for families of active duty personnel (for example, “springfieldfamilies.airforce”). Merchants and businesses will be able to offer discounts to army, navy and air force veterans and their families through a .AIRFORCE address (for example, “golfdiscounts.airforce”). Other websites might be created by friends and family members to honor fallen loved ones that have given the ultimate sacrifice for their country (for example, “fallenheroes.airforce”). These examples are just some of the many ways United TLD believes registrants will use these extensions to create value for military personnel, veterans and their families. Restrictive registration policies on .AIRFORCE would place this string at a disadvantage to one without such restrictions.

Conclusion

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United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .AIRFORCE and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD’s response to GAC Advice related to our .AIRFORCE application, please do not hesitate to contact us for more information.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 29986
Applied for TLD (string)	ARMY

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .ARMY, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .ARMY, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .ARMY:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .ARMY.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .ARMY.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to GAC Advice related to .ARMY, United TLD has held meetings with representatives from U.S. Department of Defense and other nations’ Defense Ministries and has agreed to implement additional safeguards to mitigate abuse.

For example, United TLD has agreed to create a prominent notice in WHOIS which will expressly state that the .ARMY TLD is not associated with, or sponsored by, any national or international government agency or branch of the armed forces of any nation. In addition, United TLD will create an informational webpage related to these gTLDs which will clearly explain that the domain names registered are not sponsored or managed by the Defense Department of any sovereign nation.

Also United TLD has agreed to provide the Defense Department, and the communications department within each armed forces branch, an e-mail address and telephone contact number which will be staffed 24/7/365 to handle questions and complaints regarding any registered .ARMY domain name.

Finally, United TLD has agreed to create a “block” list of defense related domains that will not be available for registration at the second level.

We believe that these additional abuse protections, all of which are part of our PICs for all three armed forces related-type strings, are sufficient to address the GAC Advice expressed in this particular safeguard.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC.

The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has

been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants’ validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate whether a registrant is currently serving, or has served, in the armed forces for the registration of a domain name in .ARMY, when the use of the domain name is not known. A registrant may use a .ARMY domain name to create a website in support of a person or charitable cause (e.g. “TERESAS.ARMY”). With respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with the above requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .ARMY as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their military-service audience (for example, “surplus.army”). We also envision support groups and organizations forming to establish an online presence for families of active duty personnel (for example, “springfieldfamilies.army”). Merchants and businesses will be able to offer discounts to army, navy and air force veterans and their families through a .ARMY address (for example, “golfdiscounts.army”). Other websites might be created by friends and family members to honor fallen loved ones that have given the ultimate sacrifice for their country (for example, “fallenheroes.army”). These examples are just some of the many ways United TLD believes registrants will use these extensions to create value for military personnel, veterans and their families. Restrictive registration policies on .ARMY would place this string at a disadvantage to one without such restrictions.

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Conclusion

United TLD respects ICANN's multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .ARMY and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .ARMY application, please do not hesitate to contact us for more information.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 34333
Applied for TLD (string)	REHAB

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .REHAB, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .REHAB, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these six Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “Consumer Protection, Sensitive Strings, and Regulated Markets.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .REHAB:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .REHAB.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .REHAB.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse. With respect to .REHAB, although some types of REHAB are related to the health and fitness field and may have a licensed or professional section there are many forms of REHAB that are related to a completely different field. For example home “rehab” and design “rehab” are standard terms used in the construction and design world with popular television shows on the subject matter using the term “rehab.” In such cases, where the term has no relevance to the health field, it would be inappropriate, and impossible, to find a “relevant regulatory body” with whom to establish a relationship related to the use of .REHAB. Even if United TLD narrowed the scope of the TLD to the health field, what if the relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC. The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

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6. Registry Operator must verify and validate the registrant's authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC's own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing "subsequent additional selection criteria" after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being "sponsored" TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN's mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It's also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the "specific risks" it refers to or which "clear and/or regulated entry requirements" it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

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Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate “charters” and “licenses” for the registration of a domain name in .REHAB, when the use of the domain name is not known? A registrant may use the domain as a designer.rehab or as property.rehab, where there is no license or charter to operate in that sector. These same examples also apply for Safeguard 7, where there may be multiple relevant authorities or NO relevant supervisory authorities with whom to consult. Finally, with respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with any “REHAB” requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .REHAB as an open top level domain name that will allow registrants to create innovative and specialized products and services that connect with their audience (for example, “constructionmaterials.REHAB” or “clothing.REHAB”). We envision websites that could be created by students and faculty members in colleges and universities who study REHAB related fields of study (for example, “holistic.REHAB”). We also foresee job-related websites related to REHAB (for example, “chicagojobs.REHAB”). These examples are just some of the many ways United TLD believes registrants will use this extension to create value for consumers. Restrictive registration policies on .REHAB would place this string at a disadvantage to one without such restrictions.

Conclusion

United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .REHAB and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

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Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .REHAB application, please do not hesitate to contact us for mo

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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, Annex I, and Annex II of the [GAC Beijing 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	United TLD Holdco Ltd.
Application ID	1 - 1255 - 37010
Applied for TLD (string)	ENGINEER

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .ENGINEER, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .ENGINEER, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .ENGINEER:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .ENGINEER.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .ENGINEER.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to .ENGINEER, although some types of engineering in some parts of the world are credentialed or licensed professions, there are many forms of engineering that are not certified in any manner. For example, software engineers, by far, constitute the largest number of practicing engineers yet they practice their trade without any form of required certification. Additionally, many individuals, associations and businesses outside of the profession also identify with that term (students and teachers, for example and will want the opportunity to show their affinity for engineering-related subjects. In such cases, it would be inappropriate, and impossible, to find a “relevant regulatory body” with whom to establish a relationship related to the use of .ENGINEER.

Furthermore, what if the relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

We believe that it is critical to mitigate fraud and illegal activities and for that reason United TLD has developed additional protections, beyond what is required in the Applicant Guidebook and has committed to implement these additional measures. We encourage the ICANN Board to review United TLD’s application and PIC submissions for .ENGINEER, for insight into how we believe a self-regulation model can work and also for guidelines on what additional protections may be suggested to Registry providers.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC. The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of

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contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
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United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It’s also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a

disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate “charters” and “licenses” for the registration of a domain name in .ENGINEER, when the use of the domain name is not known. A registrant may use the domain as a landscape engineer or as a software engineer, where there is no license or charter to operate in that sector. This same example applies for Safeguard 7, where there may be multiple relevant authorities or NO relevant supervisory authorities with whom to consult. Finally, with respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with the above requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .ENGINEER as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their audience (for example, “constructionmaterials.engineer”). We envision websites that could be created by students and faculty members in colleges and universities who study engineering related fields of study (for example, “database.engineer”). We also foresee job-related websites related to engineering (for example, “seattlejobs.engineer”). These examples are just some of the many ways United TLD believes registrants will use this extension to create value for consumers who identify with engineering disciplines and

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professions. Restrictive registration policies on ENGINEER would place this string at a disadvantage to one without such restrictions.

Conclusion

United TLD respects ICANN's multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .ENGINEER and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .ENGINEER application, please do not hesitate to contact us for more information.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 39674
Applied for TLD (string)	GIVES

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .GIVES, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .GIVES, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these six Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “Consumer Protection, Sensitive Strings, and Regulated Markets.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .GIVES:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .GIVES.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .GIVES.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse. With respect to .GIVES, there are many forms of usage for GIVES especially on a global level and we do not believe that there is a relevant regulatory body with which to we may establish a working relationship for the reasons proposed by the GAC. We do believe that it is critical to mitigate fraud and illegal activities and for that reason United TLD has developed additional protections, beyond what is required in the Applicant Guidebook and has committed to implement these additional measures. We encourage the ICANN Board to review United TLD’s application and PIC submissions for .GIVES, for insight into how we believe a self-regulation model can work and also for guidelines on what additional protections may be suggested to Registry providers.

Furthermore, what if a relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC. The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards

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apply directly to United TLD's applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant's authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC's own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing "subsequent additional selection criteria" after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being "sponsored" TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN's mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It's also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the "specific risks" it refers to or which "clear and/or regulated entry requirements" it means. Without a great deal more specifics with respect to the strings being referenced, the

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harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate “charters” and “licenses” for the registration of a domain name in .GIVES, when the use of the domain name is not known? A registrant may use the domain as a corporate website (Microsoft.gives) or as an organizational site (seattleschools.gives), where there is no license or charter to operate in that sector. Finally, with respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with any “GIVES” requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .GIVES as an open domain name without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their audience (for example, “gulfcoast.GIVES”). We envision websites that could be created by students and faculty members in colleges and universities who study charity and giving related fields of study (for example, “whyexxon.GIVES”). We also foresee job-related websites related to .GIVES (for example, “chicagojobs.GIVES”). These examples are just some of the many ways United TLD believes registrants will use this extension to create value for consumers who identify with giving and charity disciplines and professions. Restrictive registration policies on .GIVES would place this string at a disadvantage to one without hobbled by such restrictions.

Conclusion

United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .GIVES and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

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Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .GIVES application, please do not hesitate to contact us for more informatio

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Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 53893
Applied for TLD (string)	NAVY

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .NAVY, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .NAVY, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” United TLD wishes to comment on each of these additional safeguards in turn with respect to .NAVY:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .NAVY.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .NAVY.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete process to address the GAC concerns. For example, “sensitive health and financial data” is not

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defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to GAC Advice related to .NAVY, United TLD has held meetings with representatives from U.S. Department of Defense and other nations’ Defense Ministries and has agreed to implement additional safeguards to mitigate abuse.

For example, United TLD has agreed to create a prominent notice in WHOIS which will expressly state that the .NAVY TLD is not associated with, or sponsored by, any national or international government agency or branch of the armed forces of any nation. In addition, United TLD will create an informational webpage related to these gTLDs which will clearly explain that the domain names registered are not sponsored or managed by the Defense Department of any sovereign nation.

Also United TLD has agreed to provide the Defense Department, and the communications department within each armed forces branch, an e-mail address and telephone contact number which will be staffed 24/7/365 to handle questions and complaints regarding any registered .NAVY domain name.

Finally, United TLD has agreed to create a “block” list of defense related domains that will not be available for registration at the second level.

We believe that these additional abuse protections, all of which are part of our PICs for all three armed forces related-type strings, are sufficient to address the GAC Advice expressed in this particular safeguard.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC.

The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has

been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants’ validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for 5 reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC Advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate whether a registrant is currently serving, or has served, in the armed forces for the registration of a domain name in .NAVY, when the use of the domain name is not known. With respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with the above requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .NAVY as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their military-service audience (for example, “surplus.navy”). We also envision support groups and organizations forming to establish an online presence for families of active duty personnel (for example, “springfieldfamilies.navy”). Merchants and businesses will be able to offer discounts to army, navy and air force veterans and their families through a .NAVY address (for example, “golfdiscounts.navy”). Other websites might be created by friends and family members to honor fallen loved ones that have given the ultimate sacrifice for their country (for example, “fallenheroes.navy”). These examples are just some of the many ways United TLD believes registrants will use these extensions to create value for military personnel, veterans and their families. Restrictive registration policies on .NAVY would place this string at a disadvantage to one without such restrictions.

Conclusion

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United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .NAVY and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD’s response to GAC Advice related to our .NAVY application, please do not hesitate to contact us for more information.

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd.
Application ID	1 - 1255 - 57953
Applied for TLD (string)	RIP

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .RIP, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

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Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .RIP, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these six Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” Although .RIP has not been included on the list of strings in Annex I, United TLD wishes to comment on each of these additional safeguards in turn with respect to .RIP:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .RIP.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .RIP.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete

process to address the GAC concerns. For example, “sensitive health and financial data” is not defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to .RIP and many other TLDs on the list in Annex I, there are many forms of usage for the term and we do not believe that there is a relevant regulatory body with which we may establish a working relationship for the reasons proposed by the GAC. Furthermore, what if a relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

We believe that it is critical to mitigate fraud and illegal activities and for that reason United TLD has developed additional protections, beyond what is required in the Applicant Guidebook and has committed to implement these additional measures. We encourage the ICANN Board to review United TLD’s application and PIC submissions for .RIP, for insight into how we believe a self-regulation model can work and also for guidelines on what additional protections may be suggested to Registry providers.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC. The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

GAC Advice Response Form for Applicants



The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants’ validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for the following reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It’s also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to

identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Fourth, the GAC advice related to the additional safeguards is unworkable in practice. In Safeguard No. 6, for example, why would a registry operator verify and validate “charters” and “licenses” for the registration of a domain name in .RIP, when the use of the domain name is not known. A registrant may use the domain as a memorial site (grandmabetty.RIP) or an enthusiasts site for surfing (lasurfers.RIP), where there is no license or charter to operate in that sector. This same example applies for Safeguard 7, where there may be multiple relevant authorities or NO relevant supervisory authorities with whom to consult. Finally, with respect to Safeguard 8, registry operators cannot conduct post-registration checks to insure registrants’ validity and compliance with the above requirements when the requirements are not tenable.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Our application for .RIP confirms this belief as we have committed to operating .RIP in that manne. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .RIP as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their audience. Restrictive registration policies on .RIP would place this string at a disadvantage to one without such restrictions.

Conclusion

United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .RIP and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

GAC Advice Response Form for Applicants



Should the ICANN Board have any questions regarding United TLD's response to GAC Advice related to our .RIP application, please do not hesitate to contact us for more information.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	United TLD Holdco Ltd
Application ID	1 - 1255 - 71670
Applied for TLD (string)	MAP

Response:

Pursuant to Section 3.1 of the Applicant Guidebook (AGB), United TLD Holdco, Ltd. (“United TLD”) provides this response to the ICANN Board regarding the Safeguard Advice for New gTLDs (the “GAC Advice”) applicable to United TLD’s application for .MAP, identified in Annex I in the GAC Communiqué issued in Beijing on April 11, 2013.

General

Annex I begins with the general statement that “[t]he GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for.” While we understand the concept of dividing strings into categories, United TLD cautions ICANN not to create safeguards simply because a TLD may or may not fall into a particular broad category. Many strings have dual or different meanings to different users in different markets so they may not easily fall into categories. For example, a “fan”, in English, can mean a supporter of an idea, team, cause, or celebrity but it also refers to a product that circulates air for cooling. Categorizing strings for purposes of safeguards may be convenient but it may also unfairly prejudice applicants that have business models based on other intended meanings of strings.

Furthermore, ICANN should not consider developing or requiring safeguards that will apply in future rounds. At this point in time, we do not fully understand the impacts this round of new gTLDs will have on the marketplace. Consequently, ICANN should not burden future applicants with safeguards and restrictions when such restrictions may prove unnecessary and ineffective.

Finally, United TLD is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

GAC Advice Response Form for Applicants



Safeguards 1-6

The GAC has advised that six general Safeguards should apply to all new gTLDs and be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

With respect to these six general Safeguards, United TLD wishes to highlight the fact that in each of its 26 applications for new gTLDs, including its application for .MAP, United TLD expressly and pro-actively declared its intention to implement a version of each of these six safeguards. In addition, United TLD filed public interest commitments (PICs) for each of its 26 applications specifically committing to the implementation of these types of safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, United TLD warns ICANN that the GAC should not dictate the specific processes, procedures or requirements for implementing these safeguards. Registry Operators should be able to develop their own methodology within ICANN policy guideline and best practices for conducting the security checks, for example, or for maintaining statistical reports and for addressing violations of their terms of service. There is no single “best practice” for implementing these safeguards and registry operators should not be forced to adopt specific methods or processes for doing so. Innovation takes place when competition is allowed to develop different methodologies to address a problem. Therefore, United TLD agrees with GAC Advice related to these 6 Safeguards so long as it is allowed to develop its own specific methodology and practices for implementation.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings linked to “regulated or professional” sectors.” Although .MAP has not been included on the list of strings in Annex I, United TLD wishes to comment on each of these additional safeguards in turn with respect to .MAP:

1. Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws. This safeguard seems to apply to all categories identified by the GAC. United TLD has drafted its Acceptable Use (Anti-Abuse) Policy, applicable to all of its gTLDs, which includes specific language requiring registrants to comply with all applicable laws. Therefore United TLD agrees with this GAC Advice for .MAP.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement. This safeguard also seems to apply to all categories identified by the GAC. United TLD’s Registry-Registrar Agreement specifically requires registrars to inform their registrants that they must comply with our Acceptable Use Policy applicable to all of our gTLDs. Therefore we also agree with this GAC Advice for .MAP.
3. Registry Operators will require registrants who collect sensitive data to implement security measures commensurate with the offering of “those” services. Unfortunately, this safeguard is not specific enough and so United TLD is unable to respond with any concrete

process to address the GAC concerns. For example, “sensitive health and financial data” is not defined nor are any factors given to measure to determine “appropriate security measures commensurate with the offering of those services.” Furthermore, what are “those services” to which the advice refers and what are the “applicable laws” and “recognized industry standards” for those services? An applicant would need specific answers to these questions in order to understand what safeguards are specifically being recommended before being able to formulate any type of response.

As a general principle United TLD believes the applicable law and recognized industry standards have been and continue to be developed and implemented by appropriate legislative, law enforcement and industry expert bodies and should not be developed by the Registry Operator. As an applicant we are committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

4. Registry Operators will establish a working relationship with the relevant regulatory body including developing a strategy to mitigate abuse.

With respect to .MAP and many other TLDs on the list in Annex I, there are many forms of usage for the term and we do not believe that there is a relevant regulatory body with which we may establish a working relationship for the reasons proposed by the GAC. Furthermore, what if the relevant regulatory body simply declined to work with United TLD or does not respond to our requests for collaboration? It is unclear how a registry is supposed to address that issue. It is for these reasons that United TLD believes it is unable to fully comply with this advice and advises the Board to reject such advice.

We believe that it is critical to mitigate fraud and illegal activities and for that reason United TLD has developed additional protections, beyond what is required in the Applicant Guidebook and has committed to implement these additional measures. We encourage the ICANN Board to review United TLD’s application and PIC submissions for .MAP, for insight into how we believe a self-regulation model can work and also for guidelines on what additional protections may be suggested to Registry providers.

5. Registrants must be required by the Registry Operators to provide them a single point of contact for the notification of complaints or abuse. This safeguard seems to apply to all categories identified by the GAC. The biggest challenge with this safeguard requirement is that, historically, the registry operator does not engage in direct contact or communication with the registrants. Communications are almost exclusively between registrants and registrars who manage the customer relationship. Inserting the registry operations in that communication exchange will very likely result in unnecessary customer confusion. United TLD is reluctant to implement this particular safeguard for any of its strings out of respect for the registrar-registrant business relationship that has been well-established since the earliest days of commercial internet use. However, United TLD wishes to point out that it already has a point of contact for a registrant as a result of the accurate WHOIS data requirements appearing which are now more easily enforceable under the new Registrar Accreditation Agreement.

Additional Category 1 Safeguards

GAC Advice Response Form for Applicants



The GAC Advice also notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards described above. Despite its uncertainty to whether these Safeguards apply directly to United TLD’s applied for TLDs, we would like to comment on the three additional Safeguards:

6. Registry Operator must verify and validate the registrant’s authorizations, charters, licenses or other credentials for participation in this sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. Registry Operator must conduct periodic post-registration checks to ensure registrants’ validity and compliance with the above requirements.

United TLD believes the GAC Advice as articulated in these three additional Category 1 Safeguards should be wholly rejected for the following reasons:

First, implementation of these Safeguards would go completely against the GAC’s own Principles Regarding New gTLDs, published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

United TLD believes that the GAC Advice requiring implementation of these three additional Safeguards is equivalent to imposing “subsequent additional selection criteria” after the initiation of the evaluation process and therefore must be rejected.

Second, applicants, including United TLD, submitted their new gTLD applications believing that that they would be operating, managing and distributing generic TLDs. These three Safeguards completely change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. These three Safeguards are patently adverse to the core purpose of the new gTLD program and ICANN’s mission generally which is to promote consumer choice and competition. Adoption of these three additional Safeguards would have material adverse effect on nearly every applicant and must be rejected. It’s also important to note that these GAC recommended safeguards might have a discriminatory effect on users in some developing nations whose governments do not have regulatory bodies or keep databases from which a registrar could verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

Third, the GAC Advice related to the additional safeguards is not specific enough. The GAC does not identify which strings should be subject to these safeguards. Further, the GAC fails to

identify the “specific risks” it refers to or which “clear and/or regulated entry requirements” it means. Without a great deal more specifics with respect to the strings being referenced, the harms being addressed, or the requirements being recommended, no applicant can implement these safeguards.

Finally, the spirit and actual letter of the GAC Advice related to these additional safeguards comes in a manner and form that is completely antithetical and contrary to ICANN’s bottom-up, multi-stakeholder, consensus-driven policy development process. Because the proposed safeguards, if implemented, would effectively change how new gTLDs are managed, sold, distributed, registered, operated, and used in the marketplace, the GAC Advice is tantamount to making “top-down,” dictatorial, non-consensus, policy which undermines the entire ICANN model. If ICANN chose to adopt any one of these three safeguards, ICANN would lose all legitimacy.

Category 2 – Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

United TLD believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Our application for .MAP confirms this belief as we have committed to operating .MAP in that manner. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace. United TLD plans to offer .MAP as an open top level domain space without restricted or exclusive access in order to allow registrants to create innovative and specialized products and services that connect with their audience (for example, “mars.map”). We envision websites that could be created by students and faculty members in colleges and universities who study cartography related fields of study (for example, “developer.map”). These examples are just some of the many ways United TLD believes registrants will use this extension to create value for consumers who identify with map disciplines and professions. Restrictive registration policies on .MAP would place this string at a disadvantage to one without such restrictions.

Conclusion

United TLD respects ICANN’s multi-stakeholder policy development process and the role that the GAC plays in this process. As detailed above, United TLD agrees to implement the five general Safeguards and Category 1 Safeguards 1 and 2 for .MAP and its other applied for strings. For the reasons given, however, United TLD is unable to adopt GAC Advice for Category 1 Safeguards 3-8 and urges the Board to reject the advice related to these Safeguards as well.

Should the ICANN Board have any questions regarding United TLD’s response to GAC Advice related to our .MAP application, please do not hesitate to contact us for more information.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	AUTOMOBILI LAMBORGHINI S.P.A.
Application ID	1-1261-2722
Applied for TLD (string)	LAMBORGHINI

Response:

AUTOMOBILI LAMBORGHINI S.P.A. welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

AUTOMOBILI LAMBORGHINI S.P.A. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .LAMBORGHINI by AUTOMOBILI LAMBORGHINI S.P.A. AUTOMOBILI LAMBORGHINI S.P.A. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

GAC Advice Response Form for Applicants



- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

- To foster diversity, encourage competition, and enhance the utility of the DNS.

- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by AUTOMOBILI LAMBORGHINI S.P.A. for .LAMBORGHINI based on General Safeguards

AUTOMOBILI LAMBORGHINI S.P.A., the applicant for the .LAMBORGHINI top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - AUTOMOBILI LAMBORGHINI S.P.A. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. AUTOMOBILI LAMBORGHINI S.P.A. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - AUTOMOBILI LAMBORGHINI S.P.A. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, AUTOMOBILI LAMBORGHINI S.P.A. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If AUTOMOBILI LAMBORGHINI S.P.A. identifies security risks that pose an actual risk of harm, AUTOMOBILI LAMBORGHINI S.P.A. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

GAC Advice Response Form for Applicants



4. Documentation - AUTOMOBILI LAMBORGHINI S.P.A. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. AUTOMOBILI LAMBORGHINI S.P.A. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - AUTOMOBILI LAMBORGHINI S.P.A. will ensure that there is a mechanism for making complaints to AUTOMOBILI LAMBORGHINI S.P.A. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, AUTOMOBILI LAMBORGHINI S.P.A. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

AUTOMOBILI LAMBORGHINI S.P.A. would like to note that registration policies will be setup according to this request.

AUTOMOBILI LAMBORGHINI S.P.A. would like to note that .LAMBORGHINI is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore AUTOMOBILI LAMBORGHINI S.P.A. would like to state that the .LAMBORGHINI is not in the public interest, but a representation of Intellectual property rights of VOLKSWAGEN.

AUTOMOBILI LAMBORGHINI S.P.A. will, if requested by ICANN and/or the GAC, file in addition to this document a binding "Public Interest Commitment" containing the above stated measures.

AUTOMOBILI LAMBORGHINI S.P.A. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	VOLKSWAGEN GROUP OF AMERICA INC.
Application ID	1-1262-79766
Applied for TLD (string)	VOLKSWAGEN

Response:

VOLKSWAGEN GROUP OF AMERICA INC. welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

VOLKSWAGEN GROUP OF AMERICA INC. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .VOLKSWAGEN by VOLKSWAGEN GROUP OF AMERICA INC. VOLKSWAGEN GROUP OF AMERICA INC. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

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- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

- To foster diversity, encourage competition, and enhance the utility of the DNS.

- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by VOLKSWAGEN GROUP OF AMERICA INC. for .VOLKSWAGEN based on General Safeguards

VOLKSWAGEN GROUP OF AMERICA INC., the applicant for the .VOLKSWAGEN top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - VOLKSWAGEN GROUP OF AMERICA INC. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. VOLKSWAGEN GROUP OF AMERICA INC. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - VOLKSWAGEN GROUP OF AMERICA INC. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, VOLKSWAGEN GROUP OF AMERICA INC. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If VOLKSWAGEN GROUP OF AMERICA INC. identifies security risks that pose an actual risk of harm, VOLKSWAGEN GROUP OF AMERICA INC. will notify the relevant registrar and, if the

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registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - VOLKSWAGEN GROUP OF AMERICA INC. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. VOLKSWAGEN GROUP OF AMERICA INC. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - VOLKSWAGEN GROUP OF AMERICA INC. will ensure that there is a mechanism for making complaints to VOLKSWAGEN GROUP OF AMERICA INC. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, VOLKSWAGEN GROUP OF AMERICA INC. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

VOLKSWAGEN GROUP OF AMERICA INC. would like to note that registration policies will be setup according to this request.

VOLKSWAGEN GROUP OF AMERICA INC. would like to note that .VOLKSWAGEN is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore VOLKSWAGEN GROUP OF AMERICA INC. would like to state that the .VOLKSWAGEN is not in the public interest, but a representation of Intellectual property rights of VOLKSWAGEN.

VOLKSWAGEN GROUP OF AMERICA INC. will, if requested by ICANN and/or the GAC, file in addition to this document a binding "Public Interest Commitment" containing the above stated measures.

VOLKSWAGEN GROUP OF AMERICA INC. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

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, Annex I, and Annex II of the [GAC Beijing 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	Bostik SA
Application ID	1-1264-54834
Applied for TLD (string)	bostik

Response:

Dear,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,

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Respondent:

Applicant Name	Luxury Partners LLC
Application ID	1-1265-36346
Applied for TLD (string)	luxury

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

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Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

GAC Advice Response Form for Applicants



4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

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We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully
Luxury Partners LLC

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Respondent:

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

Response:

TLDDOT GmbH welcomes and supports the GAC Advice as published on April 11, 2013, since the requested safeguards from GAC have always been fundamental principles for the TLDDOT GmbH and have therefore been incorporated in the application accordingly. The GAC Advice is designed in the Applicant Guidebook as a process step that rejects gTLD applications which conflict with national laws and will privilege those gTLDs that recognize and incorporate community and public interests.

We welcome and support the position of the GAC Advice as published on April 11, 2013, that:

“The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

“The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on

GAC Advice Response Form for Applicants



those applications, such opinion should be duly taken into account, together with all other relevant information.”

*** We serve the Interests of the Community and the Public ***

Our .GMBH application for the string .GMBH is the only community-based application in a contention set with four other standard applications. The natural .GMBH Community are the multiple stakeholders in Germany, Austria, Liechtenstein and Switzerland involved in the legal regulation and registration of companies based on the corporate identifier GMBH as well as the companies operating under the legal form of a GMBH themselves. As applicant we are ourselves a member of this Community.

We have been successfully working since 2008 on building a long-lasting relationship to the various stakeholders of the GMBH Community including

1. Governmental organizations and authorities in Austria, Germany, Liechtenstein and Switzerland
2. Chambers of Commerce and Industry in Austria, Germany, Liechtenstein and Switzerland
3. Commercial associations in Austria, Germany, Liechtenstein and Switzerland representing over 100.000 companies with the legal form of a GmbH;
4. Numerous companies with the legal form of a GmbH.

GMBH Community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with all relevant public and private entities that make up the GMBH Community in Austria, Germany and Switzerland.

*** We commit to the GAC Advice Safeguards ***

TLDDOT GmbH, the applicant for the .GMBH Top-Level-Domain (gTLD) will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are:

1. WHOIS verification and checks - TLDDOT GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. TLDDOT GmbH will notify the relevant registrar of any inaccurate or

incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - TLDDOT GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, TLDDOT GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If TLDDOT GmbH identifies security risks that pose an actual risk of harm, TLDDOT GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - TLDDOT GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. TLDDOT GmbH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - TLDDOT GmbH will ensure that there is a mechanism for making complaints to TLDDOT GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, TLDDOT GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

In addition TLDDOT GmbH stated in the application to implement further safeguards to address specific risks of the .GMBH gTLD and to bring registry policies in line with arrangements in place offline.

TLDDOT assessed that the .GMBH gTLD will require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. Therefore TLDDOT incorporated in the application several further safeguards:

7. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

8. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

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9. The registry operator must conduct periodic post--registration checks to ensure registrants' validity and compliance with the above requirements 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.

In particular, TLDDOT GmbH is committed to verify registrants' validity and compliance with the above requirements on an annual basis.

TLDDOT GmbH commits to operate the gTLD in a way that is consistent with applicable laws, as this string is linked to a regulated and professional sector. The string is likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards will apply to the gTLD this string:

1. TLDDOT GmbH will include in its acceptable use policy that registrants 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. TLDDOT GmbH will require registrars at the time of registration to notify registrants of this requirement.
3. TLDDOT GmbH will require 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 and recognized industry standards.
4. TLDDOT GmbH has established a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including the development of a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants will be required by TLDDOT GmbH to notify to them a single point of contact 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.

Regarding the restriction in the registration policies TLDDOT GmbH will ensure that the registration restrictions are appropriate for the types of risks associated with the gTLD. TLDDOT GmbH will administer access in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.

***** TLDDOT GmbH is the only Applicant that fulfills the Requirements *****

TLDDOT GmbH is the only applicant for the .GMBH TLD that has established a verifiable and public working relationship with the relevant regulatory bodies of the applicable jurisdictions where the legal framework for the gTLD corresponds with the corporate identifier .GMBH. To our knowledge none of the other applicants has even started to build such relationship.

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TLDDOT GmbH is one of two applicants for .GMBH that can operate .GMBH in consistence with applicable laws of Austria, Germany, Liechtenstein and Switzerland and the European Union and which is able and willing to respect all substantive and procedural laws under the applicable jurisdictions. Applicants outside the aforementioned countries are under no circumstances able to fulfill these requirements.

TLDDOT GmbH has implemented the GAC Early Warning requirements and the GAC Advice safeguards already in the submitted application, has its entire application supported by a community-based approach and exchanged with the relevant stakeholders on all important issues.

We therefore ask the GAC and ICANN Board to dismiss all other .GMBH applications as foreseen in the procedures of the Applicant Guidebook for such cases.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	GIVING LIMITED
Application ID	1-1284-21841
Applicant String	.GIVING

Response:

See attached letter.

Date: 10 May 2013

Application ID: 1-1284-21841

Via email.

GAC ADVICE RESPONSE FOR .GIVING

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) and those that apply to our application for .giving under Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets, as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that *“the process for GAC Advice for 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.”*

We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice, which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it.

Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional Safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the Internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint "handling" is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets:

The TLD .giving has been listed in the GAC's Advice under the Charity sector. We wish to highlight that the TLD is intended to be incorporated into an existing business model and is not to be operated solely as a

for-profit endeavor from the sale of domain names. We currently operate within the charity sector as an aggregation service allowing philanthropic individuals to generate charitable donations for a list of pre-approved charities. The .giving TLD will enhance the operation of this business unit, and the Safeguards described in Category 1 are, to a greater extent, currently in place within this business unit as part of the day to day operations of Giving Limited. As we intend to operate the .giving TLD as a Single Registrant, Single User TLD (Exclusive Registry Access) where we will be the only possible registrant, the majority of the Safeguards in Category 1 which are intended to protect consumers by implementing adequate controls on the behavior of Registrants, are either already in place or are made redundant due to the intended operating model.

We broadly agree to the proposed Category 1 safeguards outlined in the GAC Advice with some caveats. We therefore provide the following responses:

1. Acceptable Use Policy

As the sole and exclusive registrant of the .giving TLD, Giving Limited will be the only entity subject to the TLD's Acceptable Use Policy. We agree to include in our Acceptable Use Policy wording to the effect of "*... registrants comply with all applicable laws, including those that relate to privacy, data collection and consumer protection.*" We stress that Giving Limited, in its existing operations, complies with all applicable laws.

We have reservations about agreeing to the remainder of this Safeguard as we believe it reaches beyond the scope of what, we, as a registry operator would be able to do with regard to the operation of the TLD. Therefore we do not agree to include in our acceptable use policy that registrants comply with applicable law relating to "*... fair lending, debt collection, organic farming, disclosure of data and financial disclosures.*"

2. Notification of the Acceptable Use Policy

We agree to require registrars at the time of registration to notify the sole and exclusive registrant, Giving Limited, of this requirement.

3. Health and financial data

We do not believe this Safeguard to be applicable to .giving as the sole and exclusive registrant, Giving Limited, will not be collecting and maintaining sensitive health and financial data as defined by the UK Data Protection Act 1998.

4. Mitigating risks of fraudulent, and other illegal, activities

We agree to the application of this Safeguard. Giving Limited, a currently operating business in the UK Charity sector, has a working relationship in place with the Charity Commission – the regulator for charities in England and Wales. This relationship exists to mitigate, to the fullest extent possible, the risks of fraudulent and other illegal activities.

5. Single point of contact

We agree to require the registrant, at the time of registration, to nominate a point of contact that must be kept-up-to-date, to ensure the registrant can be contacted regarding notification of complaints or reports of registration abuse. As Giving Limited will be the sole and exclusive registrant in the .giving TLD, this Safeguard will result in the real-world implementation of each and every registrant having the same single point of contact. This operating model will also facilitate the provision of the same contact details of the relevant regulatory body in the registrant's main place of business – the UK Charity Commission. Giving Limited notes that its exclusive registry access operating model enhances the benefits of this Safeguard when compared against a multi-registrar, multi-user approach.

6. Verification and Validation at the time of registration

We agree to the application of this Safeguard while specifically noting its limited impact owing to the exclusive registry access model of the .giving TLD.

Giving Limited currently verifies the standing of charities prior to providing aggregation services allowing philanthropic individuals to generate charitable donations. This verification is facilitated by the register of approved charities maintained by the UK Charity Commission and the working relationship Giving Limited currently has in place with the Commission.

7. Consultation with relevant authorities

We agree to the application of this Safeguard while specifically noting its limited impact owing to the exclusive registry access model of the .giving TLD. In the case of doubt regarding the standing of a charity for which Giving Limited provides aggregation services, Giving Limited has processes in place whereby it investigates the standing of charities in cooperation with the UK Charity Commission. These processes and communication channels will continue to be utilised in the operation of the .giving TLD.

8. Periodic post-registration checks

We agree to the application of this Safeguard.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:

- *Safeguard 2*
- *Safeguard 5*
- *Safeguard 6*

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

With regard to Safeguards applicable to Category 1 we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following Safeguards applicable to Category 1 as defined by the Governmental Advisory Committee in Annex 1 of its communique dated 11 April 2013:

- *Safeguard 1 (as amended)*
- *Safeguard 2*
- *Safeguard 4*

- *Safeguard 5*
- *Safeguard 6*
- *Safeguard 7*
- *Safeguard 8*

As explained above Safeguard 3 is not agreed on the basis that it is not applicable to the TLD.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully



Zarine Kharas

For and on behalf of

Giving Limited

Date: 10th May 2013

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Respondent:

Applicant Name	Dottransfer Inc.
Application ID	1-1286-14385
Applied for TLD (string)	Hosting

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names.

Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Webera Inc.
Application ID	1-1289-59445
Applied for TLD (string)	App

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Webdeus Inc.
Application ID	1-1290-2671
Applied for TLD (string)	Movie

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement

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Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator will require 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 and recognized industry standards.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator to notify to them a single point of contact 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 11 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .DESIGN

Applicant #: 1-1296-10164

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .DESIGN identified in Annex I of the GAC Communiqué under the *Intellectual Property* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

Furthermore, four of the six Safeguards cited, seem to target areas that are specifically addressed in the 2013 Registrar Accreditation Agreement, which is in final draft version and currently posted for public comment. While our applications already address these Safeguards and our registry operations will implement them in some form, the following comments are applicable to the Safeguards:

1) WHOIS verification and checks: The WHOIS issues are addressed directly in the new 2013 RAA;

2) Mitigating abusive activities: Abuse activities are addressed in various forms in the new 2013 RAA;

3) Security checks: This is addressed in the new 2013 RAA;

4) Documentation: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

5) Making and Handling Complaints: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

6) Consequences: The WHOIS issues are addressed directly in the new 2013 RAA; ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>.

Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

The GAC advises the ICANN Board that strings that are linked to regulated or professional sectors should implement five additional safeguards. NU.CO will address each of these safeguards in general, as they apply to all of its applications:

1. *Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws...*

In general and through NU.CO's terms of use, Registrants are obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. Registry operators should not be in the business of law enforcement. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, "outsourcing" law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed. This safeguard seems to apply to all categories identified by the GAC.

2. *Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

3. *Registry Operators will require 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 and recognized industry standards.*

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

4. *Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

This safeguard seems to apply to all categories identified by the GAC and is yet another Safeguard that is addressed in the 2013 RAA. The other important factor for the GAC to be mindful of is that Registrants are truly customers of the Registrars, not directly of the Registry. The trust and relationship between the Registry and Registrar is important in our business and one that would be impacted by introducing additional layers of customer contact at the Registry level, in so far as customer service is involved.

The GAC further advises the Board (additional Category 1 Safeguards):

The GAC further advises the board that some of the above strings may require further targeted safeguards to address specific risks:

6. *At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.*
7. *In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.*
8. *The registry operator must conduct periodic post---registration checks to ensure registrants' validity and compliance with the above requirements 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.*

NU.CO believes these safeguards may apply to some applicants in very specific cases. Particularly, to the extent an applicant has indicated that second level-domains in a particular TLD will be limited to licensed providers of product or services, it would be appropriate to expect an applicant to propose policies designed to enforce such limitations. In three additional safeguards above, however, the GAC is not giving advice related to applicant accountability. Instead it is creating general policy based on the overly broad and simplistic assertion that all of these strings relate to market sectors that have clear and/or regulated entry requirements.

Whether or not any of these Safeguards can be implemented in a practical manner is very much in doubt. Most Registrants for domains are individuals, unaffiliated to regulated bodies and operating without “charters or licenses”. Usually, they’re just people with an extremely basic idea in their head and a desire to register a domain just in case they ever work out that idea.

In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

All of NU.CO’s applications propose strings are operated in an open manner. However, this is our personal preference and philosophy. This is not and should not be a policy as it would be newly introduced at this very late stage in the program. We refer again to our comments above regarding timing and introduction of policies in a top-down, non-consensus driven approach as being completely opposed to the fundamentals upon which the ICANN community has been built.

Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .LTD

Applicant #: 1-1296-16820

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .LTD identified in Annex I of the GAC Communiqué under the *Corporate Identifiers* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

Furthermore, four of the six Safeguards cited, seem to target areas that are specifically addressed in the 2013 Registrar Accreditation Agreement, which is in final draft version and currently posted for public comment. While our applications already address these Safeguards and our registry operations will implement them in some form, the following comments are applicable to the Safeguards:

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Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

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2. *Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

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4. *Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

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The GAC further advises the Board (additional Category 1 Safeguards):

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In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

All of NU.CO’s applications propose strings are operated in an open manner. However, this is our personal preference and philosophy. This is not and should not be a policy as it would be newly introduced at this very late stage in the program. We refer again to our comments above regarding timing and introduction of policies in a top-down, non-consensus driven approach as being completely opposed to the fundamentals upon which the ICANN community has been built.

Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .MOVIE

Applicant #: 1-1296-23277

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .MOVIE identified in Annex I of the GAC Communiqué under the *Intellectual Property* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

Furthermore, four of the six Safeguards cited, seem to target areas that are specifically addressed in the 2013 Registrar Accreditation Agreement, which is in final draft version and currently posted for public comment. While our applications already address these Safeguards and our registry operations will implement them in some form, the following comments are applicable to the Safeguards:

1) WHOIS verification and checks: The WHOIS issues are addressed directly in the new 2013 RAA;

2) Mitigating abusive activities: Abuse activities are addressed in various forms in the new 2013 RAA;

3) Security checks: This is addressed in the new 2013 RAA;

4) Documentation: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

5) Making and Handling Complaints: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

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Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

The GAC advises the ICANN Board that strings that are linked to regulated or professional sectors should implement five additional safeguards. NU.CO will address each of these safeguards in general, as they apply to all of its applications:

1. *Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws...*

In general and through NU.CO's terms of use, Registrants are obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. Registry operators should not be in the business of law enforcement. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, "outsourcing" law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed. This safeguard seems to apply to all categories identified by the GAC.

2. *Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

3. *Registry Operators will require 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 and recognized industry standards.*

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

4. *Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

This safeguard seems to apply to all categories identified by the GAC and is yet another Safeguard that is addressed in the 2013 RAA. The other important factor for the GAC to be mindful of is that Registrants are truly customers of the Registrars, not directly of the Registry. The trust and relationship between the Registry and Registrar is important in our business and one that would be impacted by introducing additional layers of customer contact at the Registry level, in so far as customer service is involved.

The GAC further advises the Board (additional Category 1 Safeguards):

The GAC further advises the board that some of the above strings may require further targeted safeguards to address specific risks:

6. *At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.*
7. *In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.*
8. *The registry operator must conduct periodic post---registration checks to ensure registrants' validity and compliance with the above requirements 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.*

NU.CO believes these safeguards may apply to some applicants in very specific cases. Particularly, to the extent an applicant has indicated that second level-domains in a particular TLD will be limited to licensed providers of product or services, it would be appropriate to expect an applicant to propose policies designed to enforce such limitations. In three additional safeguards above, however, the GAC is not giving advice related to applicant accountability. Instead it is creating general policy based on the overly broad and simplistic assertion that all of these strings relate to market sectors that have clear and/or regulated entry requirements.

Whether or not any of these Safeguards can be implemented in a practical manner is very much in doubt. Most Registrants for domains are individuals, unaffiliated to regulated bodies and operating without “charters or licenses”. Usually, they’re just people with an extremely basic idea in their head and a desire to register a domain just in case they ever work out that idea.

In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

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Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .APP

Applicant #: 1-1296-33564

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .APP identified in Annex I of the GAC Communiqué under the *Intellectual Property* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

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regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

- 5. Registrants must be required by the registry operators to notify to them a single point of contact 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.*

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Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

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Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

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Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .INC

Applicant #: 1-1296-44261

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .INC identified in Annex I of the GAC Communiqué under the *Corporate Identifiers* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

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regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

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8. *The registry operator must conduct periodic post---registration checks to ensure registrants' validity and compliance with the above requirements 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.*

NU.CO believes these safeguards may apply to some applicants in very specific cases. Particularly, to the extent an applicant has indicated that second level-domains in a particular TLD will be limited to licensed providers of product or services, it would be appropriate to expect an applicant to propose policies designed to enforce such limitations. In three additional safeguards above, however, the GAC is not giving advice related to applicant accountability. Instead it is creating general policy based on the overly broad and simplistic assertion that all of these strings relate to market sectors that have clear and/or regulated entry requirements.

Whether or not any of these Safeguards can be implemented in a practical manner is very much in doubt. Most Registrants for domains are individuals, unaffiliated to regulated bodies and operating without “charters or licenses”. Usually, they’re just people with an extremely basic idea in their head and a desire to register a domain just in case they ever work out that idea.

In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

All of NU.CO’s applications propose strings are operated in an open manner. However, this is our personal preference and philosophy. This is not and should not be a policy as it would be newly introduced at this very late stage in the program. We refer again to our comments above regarding timing and introduction of policies in a top-down, non-consensus driven approach as being completely opposed to the fundamentals upon which the ICANN community has been built.

Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .LLC

Applicant #: 1-1296-44333

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .LLC identified in Annex I of the GAC Communiqué under the *Corporate Identifiers* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

Furthermore, four of the six Safeguards cited, seem to target areas that are specifically addressed in the 2013 Registrar Accreditation Agreement, which is in final draft version and currently posted for public comment. While our applications already address these Safeguards and our registry operations will implement them in some form, the following comments are applicable to the Safeguards:

1) WHOIS verification and checks: The WHOIS issues are addressed directly in the new 2013 RAA;

2) Mitigating abusive activities: Abuse activities are addressed in various forms in the new 2013 RAA;

3) Security checks: This is addressed in the new 2013 RAA;

4) Documentation: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

5) Making and Handling Complaints: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

6) Consequences: The WHOIS issues are addressed directly in the new 2013 RAA; ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>.

Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

The GAC advises the ICANN Board that strings that are linked to regulated or professional sectors should implement five additional safeguards. NU.CO will address each of these safeguards in general, as they apply to all of its applications:

1. *Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws...*

In general and through NU.CO's terms of use, Registrants are obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. Registry operators should not be in the business of law enforcement. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, "outsourcing" law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed. This safeguard seems to apply to all categories identified by the GAC.

2. *Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

3. *Registry Operators will require 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 and recognized industry standards.*

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

4. *Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

This safeguard seems to apply to all categories identified by the GAC and is yet another Safeguard that is addressed in the 2013 RAA. The other important factor for the GAC to be mindful of is that Registrants are truly customers of the Registrars, not directly of the Registry. The trust and relationship between the Registry and Registrar is important in our business and one that would be impacted by introducing additional layers of customer contact at the Registry level, in so far as customer service is involved.

The GAC further advises the Board (additional Category 1 Safeguards):

The GAC further advises the board that some of the above strings may require further targeted safeguards to address specific risks:

6. *At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.*
7. *In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.*
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Whether or not any of these Safeguards can be implemented in a practical manner is very much in doubt. Most Registrants for domains are individuals, unaffiliated to regulated bodies and operating without “charters or licenses”. Usually, they’re just people with an extremely basic idea in their head and a desire to register a domain just in case they ever work out that idea.

In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

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Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .GMBH

Applicant #: 1-1296-52581

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .GMBH identified in Annex I of the GAC Communiqué under the *Corporate Identifiers* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

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2) Mitigating abusive activities: Abuse activities are addressed in various forms in the new 2013 RAA;

3) Security checks: This is addressed in the new 2013 RAA;

4) Documentation: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

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In general and through NU.CO's terms of use, Registrants are obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. Registry operators should not be in the business of law enforcement. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, "outsourcing" law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed. This safeguard seems to apply to all categories identified by the GAC.

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regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

- 5. Registrants must be required by the registry operators to notify to them a single point of contact 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.*

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Category 2 – Restricted Registration Policies

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Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .CORP

Applicant #: 1-1296-53960

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .CORP identified in Annex I of the GAC Communiqué under the *Corporate Identifiers* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

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This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

- 3. Registry Operators will require 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 and recognized industry standards.*

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

- 4. Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

This safeguard seems to apply to all categories identified by the GAC and is yet another Safeguard that is addressed in the 2013 RAA. The other important factor for the GAC to be mindful of is that Registrants are truly customers of the Registrars, not directly of the Registry. The trust and relationship between the Registry and Registrar is important in our business and one that would be impacted by introducing additional layers of customer contact at the Registry level, in so far as customer service is involved.

The GAC further advises the Board (additional Category 1 Safeguards):

The GAC further advises the board that some of the above strings may require further targeted safeguards to address specific risks:

6. *At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.*
7. *In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.*
8. *The registry operator must conduct periodic post---registration checks to ensure registrants' validity and compliance with the above requirements 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.*

NU.CO believes these safeguards may apply to some applicants in very specific cases. Particularly, to the extent an applicant has indicated that second level-domains in a particular TLD will be limited to licensed providers of product or services, it would be appropriate to expect an applicant to propose policies designed to enforce such limitations. In three additional safeguards above, however, the GAC is not giving advice related to applicant accountability. Instead it is creating general policy based on the overly broad and simplistic assertion that all of these strings relate to market sectors that have clear and/or regulated entry requirements.

Whether or not any of these Safeguards can be implemented in a practical manner is very much in doubt. Most Registrants for domains are individuals, unaffiliated to regulated bodies and operating without “charters or licenses”. Usually, they’re just people with an extremely basic idea in their head and a desire to register a domain just in case they ever work out that idea.

In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

All of NU.CO’s applications propose strings are operated in an open manner. However, this is our personal preference and philosophy. This is not and should not be a policy as it would be newly introduced at this very late stage in the program. We refer again to our comments above regarding timing and introduction of policies in a top-down, non-consensus driven approach as being completely opposed to the fundamentals upon which the ICANN community has been built.

Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .LAW

Applicant #: 1-1296-62922

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .LAW identified in Annex I of the GAC Communiqué, not specifically under any single category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

As to treatment of “future rounds”, just as ICANN is not making any commitments towards announcements of future rounds of new TLDs without evaluating the successes, failures and shortcomings of the current round, ICANN should not consider unilaterally requiring safeguards that will apply in future rounds without assessing the current safeguards in place.

Safeguards 1-6

The GAC has advised that six Safeguards should apply to all new gTLDs and be subject to contractual oversight. All of NU.CO’s applications address these six Safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. Although we have committed to implementing these Safeguards, neither the ICANN board nor the GAC should attempt to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry’s business model.

Furthermore, four of the six Safeguards cited, seem to target areas that are specifically addressed in the 2013 Registrar Accreditation Agreement, which is in final draft version and currently posted for public comment. While our applications already address these Safeguards and our registry operations will implement them in some form, the following comments are applicable to the Safeguards:

1) WHOIS verification and checks: The WHOIS issues are addressed directly in the new 2013 RAA;

2) Mitigating abusive activities: Abuse activities are addressed in various forms in the new 2013 RAA;

3) Security checks: This is addressed in the new 2013 RAA;

4) Documentation: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

5) Making and Handling Complaints: ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>;

6) Consequences: The WHOIS issues are addressed directly in the new 2013 RAA; ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary, it should be sufficient to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>.

Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

The GAC advises the ICANN Board that strings that are linked to regulated or professional sectors should implement five additional safeguards. NU.CO will address each of these safeguards in general, as they apply to all of its applications:

1. *Registry Operators will include in their acceptable use policies, terms requiring registrants to comply with all applicable laws...*

In general and through NU.CO's terms of use, Registrants are obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. Registry operators should not be in the business of law enforcement. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, "outsourcing" law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed. This safeguard seems to apply to all categories identified by the GAC.

- 2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

This safeguard also seems to apply to all categories identified by the GAC and raises the same issues addressed above in #1. Again, our general terms of use, in conjunction with NU.CO's Registry-Registrar Agreement, specifically require registrars to inform their registrants that they must comply with our Acceptable Use Policy.

- 3. Registry Operators will require 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 and recognized industry standards.*

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

- 4. Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

NU.CO believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string has multiple meaning and thus multiple

regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical and not applicable for all new gTLDs.

5. *Registrants must be required by the registry operators to notify to them a single point of contact 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.*

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In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal completely negates ICANN’s bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN’s consensus driven policy making would be completely undermined.

Furthermore, NU.CO applied for new gTLDs under the assumption that we were applying for generic TLDs. These three Safeguards change the nature of the new TLDs from being generic and widely available, to being “sponsored” TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone. These three additional Safeguards would have material adverse effects on nearly every applicant and should be rejected unless the applicant applied for the new gTLD with these Safeguards already built in.

Finally, the GAC does not identify which strings should be subject to these safeguards. The Advice is not specific and leaves applicants to speculate as to who this should apply to. No applicant can implement these safeguards without subjective interpretation of the GAC Advice.

Category 2 – Restricted Registration Policies

The GAC advises the ICANN Board as to restricted access:

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Conclusion

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sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

GAC ADVICE RESPONSE FORM

Applicant Name: NU DOTCO, LLC

Applicant String: .BOOK

Applicant #: 1-1296-97422

Pursuant to the ICANN communication received April 18, 2013, and per Section 3.1 of the Applicant Guidebook (AGB), NU DOTCO, LLC (“NU.CO”) provides this response to the ICANN Board regarding the GAC Communiqué issued on April 11. This response is applicable to NU.CO’s application for .BOOK identified in Annex I of the GAC Communiqué under the *Intellectual Property* category.

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings. Neither the AGB nor the gTLD program was created with this concept in mind and in this stage of the process, this would materially impact the rules and regulations that applicants submitted to and were developed during years of bottoms up consultation within the community. Additionally, a quick review of the strings that have been included and excluded demonstrates the degree to which the GAC Advice lacks consistency and fails to reflect the kind of objective, principled basis that is fundamental to equitable implementation.

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4. *Establish a working relationship with the relevant regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.*

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Conclusion

NU.CO respects the GAC’s role within ICANN and particularly their role in the multi-stakeholder policy development process. As described in our response, NU.CO agrees that there are certain Safeguards that we have agreed to implement because they were already part of our Registry policies and operational procedures. These could mostly be considered best practices. The other Safeguards suggested which create new categories and convert new generic TLDs into

sponsored TLDs should be rejected by the Board. These are not best practices, rather a unilateral attempt by the GAC to create policy, without community consensus.

Should the ICANN Board have any questions regarding NU.CO's response to GAC Advice related to any of our applications, do not hesitate to contact us.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	EDEKA Verband kaufmännischer Genossenschaften e.V.
Application ID	1-1297-3451
Applied for TLD (string)	EDEKA

Response:

Summary

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .EDEKA by EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V.

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. would like to state, that:

1. We will respect human rights and fundamental freedoms

GAC Advice Response Form for Applicants



We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. for .EDEKA based on General Safeguards

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V., the applicant for the .EDEKA top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will notify the relevant registrar of any inaccurate or incomplete

records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. identifies security risks that pose an actual risk of harm, EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. will ensure that there is a mechanism for making complaints to EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. would like to note that registration policies will be setup according to this request.

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. would like to note that .EDEKA is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. would like to state that .EDEKA is not in the public interest, but a representation of Intellectual property rights of EDEKA.

EDEKA VERBAND KAUFMÄNNISCHER GENOSSENSCHAFTEN E.V. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	L'Oréal
Application ID	1-1302-1511
Applied for TLD (string)	MAKEUP

Response:

L'Oréal would like to affirm to the ICANN Board our commitment to operating the .MAKEUP gTLD in a manner that reflects our longstanding history of corporate responsibility.

L'Oréal is a leading global consumer products company serving the needs of consumers around the world with 23 brands in five different segments. L'Oréal has 68,900 employees, and its products are available for purchase online and in stores and outlets in over 130 countries.

In line with our overarching mission, L'Oréal plans to operate the .MAKEUP gTLD with the aim of bringing to market a trusted, hierarchical, and intuitive namespace for a dynamic collaboration of individuals and organizations whose primary focus is on providing and exchanging information regarding beauty products, cosmetics, and general information related to makeup and fashion. This .MAKEUP gTLD may also serve as a secure repository of goods and services related to cosmetics and beauty products. L'Oréal will operate .MAKEUP as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, L'Oréal aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .MAKEUP as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .MAKEUP gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding L'Oréal's .MAKEUP application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	L'Oréal
Application ID	1-1302-58142
Applied for TLD (string)	SALON

Response:

L'Oréal would like to affirm to the ICANN Board our commitment to operating the .SALON gTLD in a manner that reflects our longstanding history of corporate responsibility.

L'Oréal is a leading global consumer products company serving the needs of consumers around the world with 23 brands in five different segments. L'Oréal has 68,900 employees, and its products are available for purchase online and in stores and outlets in over 130 countries.

In line with our overarching mission, L'Oréal plans to operate the .SALON gTLD with the aim of bringing to market a trusted, hierarchical, and intuitive namespace for an initial restricted community of L'Oréal certified salons, primarily, but not limited to, SalonCentric salons, which will allow consumers and Internet users to search for salon-specific information, as well as serving as a secure repository of goods and services related to salons and beauty products. L'Oréal will operate .SALON as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, L'Oréal aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .SALON as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .SALON gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding L'Oréal's .SALON application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	L'Oréal
Application ID	1-1302-76087
Applied for TLD (string)	BEAUTY

Response:

L'Oréal would like to affirm to the ICANN Board our commitment to operating the .BEAUTY gTLD in a manner that reflects our longstanding history of corporate responsibility.

L'Oréal is a leading global consumer products company serving the needs of consumers around the world with 23 brands in five different segments. L'Oréal has 68,900 employees, and its products are available for purchase online and in stores and outlets in over 130 countries.

In line with our overarching mission, L'Oréal plans to operate the .BEAUTY gTLD with the aim of bringing to market a trusted, hierarchical, and intuitive namespace for a self-defined community of individuals and organizations whose primary focus is on providing and exchanging information regarding beauty products, cosmetics, and general information related to personal beauty. This .BEAUTY gTLD may also serve as a secure repository of goods and services related to cosmetics and beauty products. L'Oréal will operate .BEAUTY as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, L'Oréal aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .BEAUTY as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .BEAUTY gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding L'Oréal's .BEAUTY application.

GAC Advice Response Form for Applicants



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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	L'Oréal
Application ID	1-1302-80853
Applied for TLD (string)	SKIN

Response:

L'Oréal would like to affirm to the ICANN Board our commitment to operating the .SKIN gTLD in a manner that reflects our longstanding history of corporate responsibility.

L'Oréal is a leading global consumer products company serving the needs of consumers around the world with 23 brands in five different segments. L'Oréal has 68,900 employees, and its products are available for purchase online and in stores and outlets in over 130 countries.

In line with our overarching mission, L'Oréal plans to operate the .SKIN gTLD with the aim of bringing to market a trusted, hierarchical, and intuitive namespace for a self-defined community of individuals and organizations whose primary focus is on providing and exchanging information regarding skin care products, other beauty products, and general information related to personal beauty and skin care. This .SKIN gTLD may also serve as a secure repository of goods and services related to skin care and beauty products. L'Oréal will operate .SKIN as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, L'Oréal aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .SKIN as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .SKIN gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding L'Oréal's .SKIN application.

GAC Advice Response Form for Applicants



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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	L'Oréal
Application ID	1-1302-98299
Applied for TLD (string)	HAIR

Response:

L'Oréal would like to affirm to the ICANN Board our commitment to operating the .HAIR gTLD in a manner that reflects our longstanding history of corporate responsibility.

L'Oréal is a leading global consumer products company serving the needs of consumers around the world with 23 brands in five different segments. L'Oréal has 68,900 employees, and its products are available for purchase online and in stores and outlets in over 130 countries.

In line with our overarching mission, L'Oréal plans to operate the .HAIR gTLD with the aim of bringing to market a trusted, hierarchical, and intuitive namespace for a self-defined community of individuals and organizations whose primary focus is on providing and exchanging information regarding hair care products, other beauty products, and general information related to personal beauty and hair care. This .HAIR gTLD may also serve as a secure repository of goods and services related to hair care and beauty products. L'Oréal will operate .HAIR as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, L'Oréal aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .HAIR as a generic string seeking exclusive registry access.

GAC Advice Response Form for Applicants



We hope this quells any concerns that the Board might have associated with the .HAIR gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding L'Oréal's .HAIR application.

GAC Advice Response Form for Applicants



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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	GTLD Limited
Application ID	1-1309-22501
Applied for TLD (string)	INC

Response:

Dear ICANN Board & GAC,

First and foremost, GTLD Ltd. thanks the GAC for providing a comprehensive set of advice to the ICANN Board on the subject of safeguards for new gTLDs. We also appreciate the opportunity to provide our response and feedback to the ICANN Board.

As a responsible new gTLD applicant, GTLD Ltd. is glad to say that it has already included many measures in the submitted proposal to address the issues raised by the GAC, and believe that its proposal is fully compliant with the GAC advice. We further remain fully prepared to work closely with the GAC and GAC members on any area to further enhance the safeguard measures for the governance and management of the introduction and operations of the .INC gTLD in an orderly, secure and stable manner, technically and socially.

Regarding the “.INC” TLD specifically, GTLD Ltd. understands and acknowledges that the string “INC” is used as a short form of “incorporated” and a form of registered legal entity not only in the United States, but also Canada, Australia and the Philippines. In fact in our proposal, the Registry is committed to take strong measures to curb abusive registrations that exploit this. These include, in addition to standard Rights Protection Mechanisms, comprehensive extra reservation and Sunrise processes, prolonged priority periods, special claims and notification procedures that aim to ensure a stable and orderly launch of the .inc TLD into the technical and social fabric of the Internet (further discussions are included in #18c and #29).

GAC Advice Response Form for Applicants



More importantly, as far as we understand, GTLD Ltd.'s proposal is the only application for “.INC” that has included consideration for and has identified such an extensive coverage of authorities and bodies relevant to the “.INC” designation and has committed to working closely with them in the operations of the “.INC” gTLD (included in our response to #18c):

United States:

Alaska	http://commerce.alaska.gov/CBP/Main/CBPLSearch.aspx?mode=Name
Alabama	http://arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT
Arizona	http://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/connect.p?app=names-report.p
Arkansas	http://www.sos.arkansas.gov/corps/search_all.php
California	http://kepler.sos.ca.gov/
Colorado	http://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do
Connecticut	http://www.concordsots.ct.gov/CONCORD/online?sn=PublicInquiry&eid=9740
Delaware	https://delecorp.delaware.gov/tin/GINameSearch.jsp
District of Columbia	http://lsdbe.dslbd.dc.gov/public/certification/search.aspx?olbdNav= 31105
Florida	http://www.sunbiz.org/corinam.html
Georgia	http://corp.sos.state.ga.us/corp/soskb/csearch.asp
Hawaii	http://hbe.hawaii.gov/documents/search.html
Idaho	http://www.accessidaho.org/public/sos/corp/search.html?ScriptForm.startstep=crit
Illinois	http://www.ilsos.gov/corporatellc/
Indiana	https://secure.in.gov/sos/online_corps/name_search.aspx
Iowa	http://sos.iowa.gov/search/business/%28S%28xbjg3a55ft13jz2rbr2loo45%29%29/search.aspx
Kansas	https://www.kansas.gov/bess/flow/main;jsessionid=3E9AF4256C68BADB49E4110F5C0C9FE9.aptcs03-inst2?execution=e1s2
Kentucky	https://app.sos.ky.gov/ftsearch/
Louisiana	http://www.sos.la.gov/tabid/819/Default.aspx
Maine	https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x
Maryland	http://sdatcert3.resiusa.org/UCC-Charter/CharterSearch_f.aspx
Massachusetts	http://corp.sec.state.ma.us/corp/corpsearch/corpsearchinput.asp
Michigan	http://www.dleg.state.mi.us/bcs_corp/sr_corp.asp
Minnesota	http://mblsportal.sos.state.mn.us/
Mississippi	https://business.sos.state.ms.us/corp/soskb/csearch.asp
Missouri	https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp
Montana	https://app.mt.gov/bes/
Nebraska	https://www.nebraska.gov/sos/corp/corpsearch.cgi
Nevada	http://nvsos.gov/sosentitysearch/
New Hampshire	https://www.sos.nh.gov/corporate/soskb/csearch.asp
New Jersey	https://www.njportal.com/DOR/businessrecords/EntityDocs/BusinessStatCopies.aspx

GAC Advice Response Form for Applicants



New Mexico	http://web.prc.newmexico.gov/Corplookup/%28S%28czslwico4qcojzbzgjbod3u4n%29%29/CorpSearch.aspx
New York	http://www.dos.ny.gov/corps/bus_entity_search.html
North Carolina	http://www.secretary.state.nc.us/corporations/CSearch.aspx
North Dakota	https://secure.apps.state.nd.us/sc/busnsrch/busnSearch.htm
Ohio	http://www2.sos.state.oh.us/pls/bsqry/f?p=100:1:673032241987595::NO:1:P1_TYPE:NAME
Oklahoma	https://www.sos.ok.gov/business/corp/records.aspx
Oregon	http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login
Pennsylvania	https://www.corporations.state.pa.us/corp/soskb/csearch.asp
Puerto Rico	https://prcorpfilng.f1hst.com/CorporationSearch.aspx
South Carolina	http://www.scsos.com/Search%20Business%20Filings
South Dakota	http://sdsos.gov/business/search.aspx
Tennessee	http://tnbear.tn.gov/ECommerce/FilingSearch.aspx
Texas	https://direct.sos.state.tx.us/acct/acct-login.asp
Utah	https://secure.utah.gov/bes/action/index
Vermont	http://corps.sec.state.vt.us/corpbrow.aspx
Virginia	https://cisiweb.scc.virginia.gov/z_container.aspx
Washington	http://www.sos.wa.gov/corps/search_advanced.aspx
Wisconsin	https://www.wdfr.org/apps/CorpSearch/Advanced.aspx
West Virginia	http://apps.sos.wv.gov/business/corporations/
Wyoming	https://wyobiz.wy.gov/Business/FilingSearch.aspx

Canada:

<http://www.ic.gc.ca/app/ccc/srch/cccSrch.do?lang=eng&prtl=1&tagid=&profileId=>

Australia:

<http://abr.business.gov.au/AdvancedSearch.aspx>

Philippines:

<http://www.business.gov.ph/web/guest/registry-search>

As a participant in the ICANN process, we are encouraged by the active participation of the GAC in the process. The GAC and governments are an important component of the ICANN process and the multi-stakeholder governance of the Internet's root DNS. Many of the issues raised by the GAC advice are issues that are actively discussed by the ICANN community. Some of which are already included in the considerations for this round of new gTLDs (e.g. #28 Abuse Prevention and Mitigation), some others are currently being discussed within the ICANN process. For example, policy development processes for WHOIS are ongoing and registration and usage abuse issues continue to be examined, including especially where such abuse issues should be within or beyond the scope of ICANN's purview.

For such items, we understand that ongoing multi-stakeholder processes should not be circumvented, and remain diligent against such undermining. Nevertheless, we are fully prepared to improve on our proposed mechanisms in our application as well as to implement appropriate measures for .INC specifically as Registry policies before community wide ICANN policies are fully in place.

GAC Advice Response Form for Applicants



Most importantly, as we applaud the GAC on raising the issues and echo the recommendations to the ICANN Board, we especially suggest that the ICANN Board take care in considering changes made by applicants at this stage in this round of new gTLDs. We believe that the ICANN board should place some weight on considering the approval (and/or dismissal for that matter) of applications where substantive changes to proposed policies for governing and/or operating the gTLD are made as reactionary measures rather than as originally proposed.

The integrity of ICANN and the new gTLD process is at stake. Where appropriate and especially where having a choice, ICANN should approve applications that demonstrate their integrity in standing by their proposal as originally submitted and willingness to participate and respect the ICANN multi-stakeholder bottom-up process, including advice from the ACs. For example, GTLD Ltd's proposal for the .INC registry already incorporated many different policies to comprehensively address the GAC advice while other applications for .INC did not.

Finally, we also bring your attention to the ongoing work underway since the recent CEO Roundtables and further discussed at the DNS Summit (<http://blog.icann.org/2013/04/dns-summit-in-new-york/>). Especially the "proposals to codify ethical standards for DNS businesses", which may be an appropriate framework for addressing issues (e.g. content related) that may be beyond the scope of ICANN's policy mandate.

Attached further are specific responses to each of the issues raised in the GAC advice with excerpts from particular sections of the submitted GTLD Ltd. proposal (<https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/107?t:ac=107>) and how it complies with and relates to the GAC advice.

We look forward to continuing the dialogue with the ICANN board and the GAC to address issues and put policies in place to mitigate against concerns in a constructive and prompt manner.

Sincerely,

GTLD Limited

GTLD Ltd. Response to GAC Communiqué – Beijing April 11, 2013

b. Safeguard Advice for New gTLDs

To reinforce existing processes for raising and addressing concerns the GAC is providing safeguard advice to apply to broad categories of strings (see Annex I).

Please see response for Annex I further below.

g. Protections for Intergovernmental Organisations

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority. This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation. The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward. Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.

We are supportive of this advice as a preventative initial protection for the IGO names and acronyms.

In our original submission for #22, we have already included the following in our proposal:

More specifically, the Registry commits to:

a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of the TLD.

b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of the TLD

Building on the experience from .INFO and .ASIA in their handling of country and government related names, the Registry will develop and establish policies for:

1) obtaining and maintaining a list of names with national or geographic significance to be reserved (at no cost to governments) upon the demand of governments, public authorities or IGOs;

2) process for registrants to apply for and for the Registry to obtain consent from the respective government, public authorities or IGOs in the releasing of such reserved geographic names; and

The procedures may be similar to the management of governmental reserved names for .ASIA (Section 3.4 of <http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf>). In summary:

I) The Registry will adhere to the New gTLD Registry Agreement Specification 5 requirements regarding 2. Two-Character Labels as well as 5. Country and Territory Names;

II) Before the launch of the TLD, the Registry will also proactively reach out to governments around the world, especially through GAC members (and ccTLD managers where appropriate), to solicit from them their demand for reserving any names with national or geographic significance at the second level of the TLD;

III) The Registry will develop mechanisms and maintain a list of governmental reference contacts, especially through correspondence with GAC members and ccTLD managers where appropriate. The corresponding reference contact(s) will be contacted in case a registration request is received for a governmental reserved name. If the consent from the governmental contact is received, the registration request will be approved. The domain will nevertheless remain in the reserved names list so that in case the registration lapses, the domain will not be released into the available pool, but will require the same approval process to be registered.

IV) The Registry will maintain an ongoing process for adding and updating governmental reserved names as they are demanded by governments, public authorities or IGOs.

In accordance with Specification 5 of the New gTLD Registry Agreement, the registry operator must initially reserve all geographic names at the second level, and at all other levels within the TLD at which the registry operator provides for registrations.

...

Furthermore, the Registry will actively participate in the development of appropriate process and policies for governments, public authorities or IGOs to challenge abuses of names with national or geographic significance. As an important stakeholder in the Registry, DotAsia Organisation (through Namesphere) will be supporting the efforts as well. DotAsia has been a pioneer of protective measures for new gTLDs, especially in its handling of governmental reserved names and its engagement with different stakeholders to develop rapid suspension policies, which provided part of the genesis of what is now standardized for new gTLDs as the URS (Uniform Rapid Suspension) process. Similar administrative processes may be explored and developed for

supporting challenge processes for abuses of names with national or geographic significance.

The above mechanism can be used for the protection of IGO names.

2. Registrar Accreditation Agreement (RAA)

Consistent with previous communications to the ICANN Board

a. the GAC advises the ICANN Board that:

i. the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.

The GAC also strongly supports the amendment to the new gTLD registry agreement that would require new gTLD registry operators to use only those registrars that have signed the 2013 RAA. The GAC appreciates the improvements to the RAA that incorporate the 2009 GAC---Law Enforcement Recommendations. The GAC is also pleased with the progress on providing verification and improving accuracy of registrant data and supports continuing efforts to identify preventative mechanisms that help deter criminal or other illegal activity. Furthermore the GAC urges all stakeholders to accelerate the implementation of accreditation programs for privacy and proxy services for WHOIS.

We are supportive of the direction of this advice to promote registrant rights and the provisioning of accurate WHOIS data. We further prompt the ICANN Board to realize that within the current ICANN gTLD Registry-Registrar framework, WHOIS (i.e. contact) data is obtained by and remains within the purview of Registrars and not the Registry. In order for the Registry to effectively take action, Registrar compliance will be crucial.

Further discussions included in response to Annex I, point 1. below.

3. WHOIS

The GAC urges the ICANN Board to:

a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group. The GAC stands ready to respond to any questions with regard to the GAC Principles. The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

We are supportive of this advice and agrees that matters pertaining WHOIS should best be considered and discussed through the ongoing policy development process on the matter.

4. International Olympic Committee and Red Cross /Red Crescent

Consistent with its previous communications, the GAC advises the ICANN Board to:

a. amend the provisions in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

We are prepared to implement such protections. Based on our original submission, and as explained above in “g. Protections for Intergovernmental Organisations”, this can be addressed within the proposed mechanism.

5. Public Interest Commitments Specifications

The GAC requests:

b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.

We are prepared to adhere and abide by our public interest commitments including policy proposals submitted within our original proposal as a Community TLD.

Annex I

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

We are committed to governing and operating the Registry in a manner that

- is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

In further response to this, especially on the issues of openness, non-discrimination and to be respectful of human rights and fundamental freedoms, we have further included provisions in our proposal for additional Rights Protection Mechanisms to provide a strong balance for users' rights beyond just providing protection to Intellectual Property rights:

"Furthermore, on top of the Sunrise program, a Pioneer Domains Program will be put in place to provide even further protection for prior rights holders while maintaining a strong balance against users' rights."

To further address the designation of "INC" as "incorporated", further measures are put in place to ensure that the balance of rights be considered (#18c):

The .inc Registry proposes to put in place a comprehensive set of measures to curb abusive registrations specifically against this usage of the string "inc":

a. Special Sunrise Considerations

Upon consultation with ICANN and GAC, especially the GAC members (and related authorities) from the 4 countries identified above, the Registry proposes to put in place additional Sunrise considerations specifically for registered entities that utilize the legal designation of "INC." More specifically, duly registered legal entities in identified jurisdictions where the legal designation of "INC." is recognized will be eligible to participate in the Sunrise process for priority registration of .inc domain names that correspond to the name of their registered entity.

Throughout the development of these policies, the Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such verification and registration processes can be procured through a similar process. If not, a special Sunrise process will be implemented at the Registry, or a modified approach will be implemented in partnership with the TMCH.

b. Reserved Names List

In addition to ICANN and geographical reserved names lists, upon the approval from ICANN for the .inc TLD, the Registry will proactively reach out to the respective company registries to study whether additional reserved names would be appropriate for the .inc TLD.

This will serve to ensure that the introduction of the .inc TLD will not inadvertently negatively impact the coincidental communities where the string "INC." may be used as a legal entity designator. Where appropriate, additional reserved names will be included, for which activation will require special conditions to be met.

More specifically, the Registry will verify whether the registrant for the name corresponds with one of the company registries that do accept registration of "INC." designated legal entities. If the information agrees, the registration is accepted.

The Registry proposes to place this additional reservation throughout Landrush and for 18 months after Go Live. At which time, we believe the reservation should be gradually released but an ongoing claims and notification mechanism should continue.

c. Claims & Notification Mechanism

Upon Go Live, a claims and notification mechanism, similar to the standard trademarks claims service as described in the Applicant Guidebook, will also be considered and discussed with the corresponding authorities for each of the jurisdictions and implemented.

The possibility of a two way notification process may also be explored (i.e. both for when a ".inc" domain is registered which may conflict with a registered "INC." as well as vice versa for a newly registered "INC." that may conflict with a registered .inc domain).

The Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such processes can be procured through a similar process as the standard trademark claims service.

d. Special challenge process

Upon the approval from ICANN for the .inc TLD, and before the acceptance of .inc domain registrations, the Registry will work with a competent alternative dispute resolution center (such as the ADNDRC, WIPO, ICC, etc.) to put in place a special challenge process for duly registered "INC." designated legal entities from corresponding jurisdictions.

Following a similar process and rationale from some company registries (e.g in Hong Kong: <http://www.cr.gov.hk/en/faq/faq02.htm#11>), where the Registrar of Companies may direct a company to change its name within 12 months from the date of its registration ("the statutory period") if the name is "too like" a name previously registered, based on objections lodged from existing registered companies filed giving full reasons and providing any available evidence of alleged confusion; the .inc Registry will implement a special challenge process allowing duly registered "INC." designated legal entities from corresponding jurisdictions to lodge challenges to registered ".inc" domains within the first 12 months of its registration.

This allows registered "incorporations" to lodge challenges against abusive registrations that may create confusion with their company name. After the first 12 months, rights holders can continue to utilize the standard UDRP and URS processes to protect their rights.

These considerations demonstrate GTLD Ltd. thorough policy consideration on the matter.

Safeguards Applicable to all New gTLDs

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

We are prepared to be subjected to contractual oversight for safeguards applicable to all new gTLDs.

1. WHOIS verification and checks — Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

We are supportive of the direction for this advice and believe that we are already compliant. The scope and specific standard implementation of such policies may best be developed as a product of the ongoing WHOIS policy development process.

Nevertheless, individual Registry policies can provide the interim solution for this safeguard, and some of the mechanisms have already been provided in our original response to #28 Abuse Prevention and Mitigation, including proactive analysis and audits:

4.2 Pre-emptive – Mitigating of the Potential for Abuse

The following practices and procedures will be adopted to mitigate the potential for abusive behaviour in our TLD.

...

4.2.4 Safeguards Against Allowing for Unqualified Registrations

The eligibility restrictions for this TLD are outlined in our response to Question 18.

Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements:

– Registrant warrants that it satisfies eligibility requirements.

Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful.

Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.

4.2.6 Restrictions on Proxy Registration Services

Whilst it is understood that implementing measures to promote WhoIs accuracy is necessary to ensure that the registrant may be tracked down, it is recognised that some registrants may wish to utilise a proxy registration service to protect their privacy. In the event that Registrars elect to offer such services, the following conditions apply:

- Proxy registration services may only be offered by Registrars and NOT resellers.*
- Registrars must ensure that the actual WhoIs data is obtained from the registrant and must maintain accurate records of such data.*
- Registrars must provide Law Enforcement Agencies (LEA) with the actual WhoIs data upon receipt of a verified request.*
- Proxy registration services may only be made available to private individuals using the domain name for non-commercial purposes.*

These conditions will be implemented contractually by inclusion of corresponding clauses in the RRA as well as being published on the Abuse page of our registry website. Individuals and organisations will be encouraged through our Abuse page to report any domain names they believe violate the above restrictions, following which appropriate action may be taken by us. Publication of these conditions on the Abuse page of our registry website ensures that registrants are aware that despite utilisation of a proxy registration service, actual WhoIs information will be provided to LEA upon request in order to hold registrants liable for all actions in relation to their domain name. The certainty that WhoIs information relating to domain names which draw the attention of LEA will be disclosed results in the TLD being less attractive to those seeking to register domain names for abusive purposes, thus mitigating the potential for abuse in the TLD.

...

4.2.9 Promoting WhoIs Accuracy

Inaccurate WhoIs information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of WhoIs information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of WhoIs information in our TLD including:

- Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided WhoIs information by a member of the Abuse and Compliance Team in order to verify all WhoIs information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant, who must then provide a contact number that is verified by the member of the Policy Compliance team. In the event that*

the registrant is not able to be contacted by any of the methods provided in WhoIs, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate WhoIs information and is grounds for terminating the registration agreement).

– Semi-annual audits: to identify incomplete WhoIs information. Registrants will be contacted using provided WhoIs information and requested to provide missing information. In the event that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.

– Email reminders: to update WhoIs information to be sent to registrants every 6 months.

– Reporting system: a web-based submission service for reporting WhoIs accuracy issues available on the Abuse page of our registry website.

– Analysis of registry data: to identify patterns and correlations indicative of inaccurate WhoIs (eg repetitive use of fraudulent details).

Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate WhoIs information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.

The measures to promote WhoIs accuracy described above strike a balance between the need to maintain the integrity of the WhoIs service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner.

Awareness by registrants that we will actively take steps to maintain the accuracy of WhoIs information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.

The above are the baseline abuse prevention and mitigation measures of the registry. The registry is prepared to work with ICANN and the GAC to further enhance the measures where appropriate.

2. Mitigating abusive activity — Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are prepared to and have already proposed to include in our Registry-Registrar Agreement (RRA) provisions to ensure that terms of use for registrants include prohibitions against abusive activities.

The following is an extract from our response to #28 Abuse Prevention and Mitigation:

Our RRA will oblige all Registrars to do the following in relation to the Anti-Abuse Policy:

- comply with the Anti-Abuse Policy; and*
- include in their registration agreement with each registrant an obligation for registrants to comply with the Anti-Abuse Policy and each of the following requirements:*

‘operational standards, policies, procedures, and practices for the TLD established from time to time by the registry operator in a non-arbitrary manner and applicable to all Registrars, including affiliates of the registry operator, and consistent with ICANN’s standards, policies, procedures, and practices and the registry operator’s Registry Agreement with ICANN. Additional or revised registry operator operational standards, policies, procedures, and practices for the TLD shall be effective upon thirty days notice by the registry operator to the Registrar. If there is a discrepancy between the terms required by this Agreement and the terms of the Registrar’s registration agreement, the terms of this Agreement shall supersede those of the Registrar’s registration agreement.’

Our RRA will additionally incorporate the following BITS Requirements:

- Requirement 7: Registrars must certify annually to ICANN and us compliance with ICANN’s Registrar Accreditation Agreement (RAA) our Registry-Registrar Agreement (RRA).*
 - Requirement 9: Registrars must provide and maintain valid primary contact information (name, email address, and phone number) on their website.*
 - Requirement 14: Registrars must notify us immediately regarding any investigation or compliance action, including the nature of the investigation or compliance action by ICANN or any outside party (eg law enforcement, etc.) along with the TLD impacted.*
 - Requirement 19: Registrars must disclose registration requirements on their website.*
- We will re-validate our RRAs at least annually, consistent with Requirement 10.*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

3. Security checks — While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

We are supportive of proactive measures to ensure the security and stability of the Internet. As indicated in the GAC advice, the respecting of privacy and confidentiality is paramount. Furthermore, while the inclusion of appropriate terms

of use for registrants as described in “2. Mitigating abusive activity” above provides an effective enforcement mechanism, the subject matter of certain threats may traverse beyond the purview of ICANN policy coordination. For example matters concerning content. Such determination may best be addressed in proper ICANN policy development processes if implemented as a contractual and enforcement matter by ICANN.

Nevertheless, the Registry is fully prepared to implement policies within the registry and have already proposed such mechanisms in our original application under #28 Abuse Prevention and Mitigation:

4.3.1 Detection – Analysis of Data

The Registry will routinely analyse registry data in order to identify abusive domain names by searching for behaviours typically indicative of abuse. The following are examples of the data variables that will serve as indicators of a suspicious domain name and may trigger further action by the Abuse and Compliance Team:

- Unusual Domain Name Registration Practices: practices such as registering hundreds of domains at a time, registering domains which are unusually long or complex or include an obvious series of numbers tied to a random word (abuse40, abuse50, abuse60) may, when considered as a whole, be indicative of abuse.*
- Domains or IP addresses identified as members of a Fast Flux Service Network (FFSN): The Registry uses the formula developed by the University of Mannheim and tested by participants of the Fast Flux PDP WG to determine members of this list. IP addresses appearing within identified FFSN domains, as either NS or A records shall be added to this list.*
- An Unusual Number of Changes to the NS record: the use of fast-flux techniques to disguise the location of web sites or other Internet services, to avoid detection and mitigation efforts, or to host illegal activities is considered abusive in the TLD. Fast flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves. As such an unusual number of changes to the NS record may be indicative of the use of fast-flux techniques given that there is little, if any, legitimate need to change the NS record for a domain name more than a few times a month.*
- Results of WhoIs audits: The audits conducted to promote WhoIs accuracy described above are not limited to serving that purpose but may also be used to identify abusive behaviour given the strong correlation between inaccurate WhoIs data and abuse.*
- Analysis of cross-validation of registrant WhoIs data against WhoIs data known to be fraudulent.*
- Analysis of Domain Names belonging to a registrant subject to action under the Anti-Abuse Policy: in cases where action is taken against a registrant through the application of the Anti-Abuse Policy, we will also investigate other domain names by the same registrant (same name, nameserver IP address, email address, postal address etc).*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Documentation — Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

We are supportive of the conceptual directive and are prepared to maintain such documentation. We however caution about misinterpretation and/or misuse of such statistical data.

As proposed in our application (under #28 Abuse Prevention and Mitigation), instead of (or in addition to) providing such documents we would recommend programs to increase registrant security awareness:

4.2.2 Increasing Registrant Security Awareness

In accordance with our commitment to operating a secure and reliable TLD, we will attempt to improve registrant awareness of the threats of domain name hijacking, registrant impersonation and fraud, and emphasise the need for and responsibility of registrants to keep registration (including WhoIs) information accurate. Awareness will be raised by:

- Publishing the necessary information on the Abuse page of our registry website in the form of videos, presentations and FAQ's.*
- Developing and providing to registrants and resellers Best Common Practices that describe appropriate use and assignment of domain auth Info codes and risks of misuse when the uniqueness property of this domain name password is not preserved. The increase in awareness renders registrants less susceptible to attacks on their domain names owing to the adoption of the recommended best practices thus serving to mitigate the potential for abuse in the TLD. The clear responsibility on registrants to provide and maintain accurate registration information (including WhoIs) further serves to minimise the potential for abusive registrations in the TLD.*

Appropriate statistics and documents could be developed and presented, which we believe will allow us to be compliant with the GAC advice. We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are supportive of this advice and believe that our original proposal is already compliant with the GAC advice. Description of the mechanisms for handling complaints have been included in our response to #28 Abuse Prevention and Mitigation:

4.3.2 Abuse Reported by Third Parties

Whilst we are confident in our abilities to detect abusive behaviour in the TLD owing to our robust ongoing monitoring activities, we recognise the value of notification from third parties to identify abuse. To this end, we will incorporate notifications from the following third parties in our efforts to identify abusive behaviour:

- Industry partners through participation in industry forums which facilitate the sharing of information.*
- LEA through a single abuse point of contact (our Abuse page on the registry website, as discussed in detail below) and an expedited process (described in detail in ‘4.4 Abuse Handling’) specifically for LEA.*
- Members of the general public through a single abuse point of contact (our Abuse page on the registry website).*

...

4.3.2.2 Notification by General Public of Abuse

Abusive behaviour in the TLD may also be identified by members of the general public including but not limited to other registries, Registrars or security researchers. The steps in this notification process are summarised as follows:

- 1. We will publish contact details on the Abuse page of the registry website for the SAPOC (note that these contact details are not the same as those provided for the expedited process).*
- 2. All calls to this number will be responded to by the Service Desk on a 24/7 basis. All calls will result in the generation of a CMS ticket.*
- 3. The details of the report identifying abuse will be documented in the CMS ticket using a standard information gathering template.*
- 4. Tickets will be forwarded to the Abuse and Compliance Team, to be dealt with in accordance with ‘4.4 Abuse Handling’.*

...

4.3.2.2 Single Abuse Point of Contact on Website

In accordance with section 4.1 of Specification 6 of the Registry Agreement, we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all Registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, Registrars, LEA, government and quasi-governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email and mailing address as well as a primary contact for handling inquiries related to abuse in the TLD) will be provided to ICANN and published on the Abuse page of our registry website, which will also include:

- All public facing policies in relation to the TLD, including the Anti-Abuse Policy.*
- A web-based submission service for reporting inaccuracies in WhoIs information.*
- Registrant Best Practices.*
- Conditions that apply to proxy registration services and direction to the SAPOC to report domain names that violate the conditions.*

As such, the SAPOC may receive complaints regarding a range of matters including but not limited to:

- Violations of the Anti-Abuse Policy.*
- Inaccurate WhoIs information.*
- Violation of the restriction of proxy registration services to individuals.*

The SAPOC will be the primary method by which we will receive notification of abusive behaviour from third parties. It must be emphasised that the SAPOC will be the initial point of contact following which other processes will be triggered depending on the identity of the reporting organisation. Accordingly, separate processes for identifying abuse exist for reports by LEA/government and quasi-governmental agencies and members of the general public. These processes will be described in turn below.

...

4.4 Abuse Handling

Upon being made aware of abuse in the TLD, whether by ongoing monitoring activities or notification from third parties, the Abuse and Compliance Team will perform the following functions:

...

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

<p>6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.</p>

We are supportive of including mechanisms to suspend a domain name against abusive activities and believe we are already compliant with the GAC advice. In our proposal (under #28 Abuse Prevention and Mitigation and #29 Rights Protection Mechanisms), we have already included mechanisms to disqualify, suspend, cancel or delete domain registrations where appropriate:

#28 Abuse Prevention and Mitigation

4.2.5 Registrant Disqualification

As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.

Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.

In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any existing or new registration that uses such fraudulent NS record will be investigated.

The disqualification of 'bad actors' and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.

...

4.4.1 Preliminary Assessment and Categorisation

Each report of purported abuse will undergo an initial preliminary assessment by the Abuse and Compliance Team to determine the legitimacy of the report. This step may involve simply visiting the offending website and is intended to weed out spurious reports, and will not involve the in-depth investigation needed to make a determination as to whether the reported behaviour is abusive.

Where the report is assessed as being legitimate, the type of activity reported will be classified as one of the types of abusive behaviour as found in the Anti-Abuse Policy by the application of the definitions provided. In order to make this classification, the Abuse and Compliance Team must establish a clear link between the activity reported and the alleged type of abusive behaviour such that addressing the reported activity will address the abusive behaviour.

While we recognise that each incident of abuse represents a unique security threat and should be mitigated accordingly, we also recognise that prompt action justified by objective criteria are key to ensuring that mitigation efforts are effective. With this in mind, we have categorised the actions that we may take in response to various types of abuse by reference to the severity and immediacy of harm. This categorisation will be applied to each validated report of abuse and actions will be taken in accordance with the table below. It must be emphasised that the actions to mitigate the identified type of abuse in the table are merely intended to provide a rough guideline and may vary upon further investigation.

Category 1

Probable Severity or Immediacy of Harm: Low

Examples of types of abusive behaviour: Spam, Malware

Mitigation steps:

- 1. Investigate*
- 2. Notify registrant*

Category 2

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control

Mitigation steps:

- 1. Suspend domain name*
- 2. Investigate*
- 3. Restore or terminate domain name*

The mitigation steps for each category will now be described:

4.4.2 Investigation – Category 1

Types of abusive behaviour that fall into this category include those that represent a low severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in the dissemination of unsolicited information or the publication of illegitimate information. While undesirable, these activities do not generally present such an immediate threat as to justify suspension of the domain name in question. We will contact the registrant to instruct that the breach of the Anti-Abuse Policy be rectified. If the Abuse and Compliance Team's investigation reveals that the severity or immediacy of harm is greater than originally anticipated, the abusive behaviour will be escalated to Category 2 and mitigated in accordance with the applicable steps. These are described below. The assessment made and actions taken will be recorded against the relevant CMS ticket.

4.4.3 Suspension – Category 2

Types of abusive behaviour that fall into this category include those that represent a medium to high severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in intrusion into other computers' networks and systems or financial gain by fraudulent means. Following notification of the existence of such behaviours, the Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. Cancellation will result if, upon further investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, the Registry will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.

Phishing is considered to be a serious violation of the Anti-Abuse Policy owing to its fraudulent exploitation of consumer vulnerabilities for the purposes of financial gain. Given the direct relationship between phishing uptime and extent of harm caused, we

recognise the urgency required to execute processes that handle phish domain termination in a timely and cost effective manner. Accordingly, the Abuse and Compliance Team will prioritise all reports of phishing from brand owners, anti-phishing providers or otherwise and carry out the appropriate mitigation response within 12 hours in accordance with the SLA's in place. In addition, since a majority of phish domains are subdomains, we believe it is necessary to ensure that subdomains do not represent an unregulated domain space to which phishers are known to gravitate. Regulation of the subdomain space is achieved by holding the registrant of the parent domain liable for any actions that may occur in relation to subdomains. In reality, this means that where a subdomain determined to be used for phishing is identified, the parent domain may be suspended and possibly cancelled, thus effectively neutralising every subdomain hosted on the parent. In our RRA we will require that Registrars ensure that their Registration Agreements reflect our ability to address phish subdomains in this manner.

...

#29 Rights Protection Mechanisms

29.2.3 Other Suspension Programs

In addition to the basic dispute and suspension programs, the Abuse Prevention Mechanisms as described in #28 as well as the geographical names reservation processes described in #22, the Registry, following the footsteps of the .ASIA Registry as well, will explore appropriate suspension mechanisms and challenge processes to further improve the protection to prior rights holders.

For example, .ASIA has completed an MoU with the International Federation Against Copyrights Theft Greater China (IFACT-GC), and has explored extensively and works closely with the Anti-Phishing Working Group on possible alternative rapid suspension processes against gross copyright infringement and phishing sites. These discussions also helped inform some of the discussions that lead to the development of the URS.

Given the focus of the TLD, the Registry will also consider and explore adopting other relevant forums for domain dispute resolution. For example, the Registry may explore the adoption of relevant ccTLD dispute resolution processes or any other industry arbitration processes relevant to the use to broaden the protection of the legitimate prior rights of others in the registration of domain names in the TLD. These measures will be put in place in addition to and definitely not in replacement of the basic requirements of submitting to UDRP, URS and other ICANN policies.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

Category 1 Consumer Protection, Sensitive Strings, and Regulated Markets:

The GAC Advises the ICANN Board:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.

We are prepared to be and believe that our proposal is already compliant with this advice.

As part of our response to #28 Abuse Prevention and Mitigation, we have included provisions to ensure that registrants comply with all applicable laws:

The abusive registration and use of domain names in the TLD is not tolerated given that the inherent nature of such abuses creates security and stability issues for all participants in the Internet environment.

Definition of Abusive Behaviour:

Abusive behaviour is an action that:

- causes actual and substantial harm, or is a material predicate of such harm; or
- is illegal or illegitimate; or
- is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.

Furthermore, in response to #18c Rules to minimize social costs, we have outlined additional policies and mechanisms to safeguard against consumer harm:

4. Other Operating Rules Which Eliminate Or Minimise Social Costs

Abusive registrations will be prevented through having in place and enforcing a robust anti-abuse policy; this policy is described in detail in the response to Question 28. ARI, as provider of back-end registry services, has robust preventative and responsive mechanisms to address DDOS attacks, spamming, phishing, data theft, and similar nefarious activity. In addition to compliance with Trademark Clearing House (TMCH) requirements, policy will include processes to address issues involving trademark, copyright and intellectual property.

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Specifically in response to mitigating against abusive exploitation of duly registered “incorporations” with “INC” as their legal designation, a series of policies will be put in place.

Nevertheless, it is important to understand that according to our understanding, the designation “INC” is used for registered legal entity in the United States, Canada, Australia and the Philippines.

Further details of the mitigation policies have been included above under response to Annex I (which was extracted from response to #22 in our original application)

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

We are prepared to be and believe our proposal is compliant with this advice. The Registry will specify in its Registry-Registrar Agreement (RRA) that all registrants must be notified of this requirement at the time of registration.

3. Registry operators will require 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 and recognized industry standards.

We are prepared to be and believe that our proposal is already compliant with this advice. As described in 1. above, illegal behaviour under applicable law is considered abusive activities disallowed by the registry. The Registry will have the ability to utilize the APM (Abuse Prevention & Mitigation) mechanisms to suspend, cancel, delete or otherwise take action against the domain registration.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

We are supportive of, fully prepared to be and believe our proposal is already compliant with this advice.

In our submitted application, we have already presented our research and identified that the designation “INC” is used for certain types of registered legal entities in the United States, Canada, Australia and the Philippines. We have also identified a

comprehensive list of the relevant authorities and have committed to proactively reaching out to them to develop and implement a strategy to specifically address the issue.

The list of the authorities has been included in the letter for this response to the GAC advice. In fact, we are the only application with such an extensive consideration for the matter.

In our submitted application, we have also proposed a number of policies in #18c, #22, #28 and #29 to mitigate against the risks of fraudulent, and other illegal activities.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

We are supportive of the conceptual direction of this advice to be able to connect with registrants in a timely fashion. At the same time, we also understand that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant.

Nevertheless, in balancing the above considerations, it is possible to setup an "Operations and Notifications Contact" (for example, this was approach was successfully implemented to address similar conditions during the original .ASIA ASCII launch), which Registrars and/or registrants may select to nominate, with default being either the Registrar contact or the Admin Contact for the registrant.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

Eligibility of Registrants are verified and subject to challenge during startup phases including Sunrise and Pioneer phases as proposed in the application. Furthermore, considering the use of the designation of "INC" in certain jurisdictions, *"for duly registered legal entities in identified jurisdictions where the legal designation of "INC." is recognized will be eligible to participate in the Sunrise process for priority registration of .inc domain names that correspond to the name of their registered entity... In order to verify the eligibility of registrants, the Registry will utilize online databases (or otherwise data obtained from the respective authorities)."*

More importantly, the credentials of such registrants will be checked against authoritative data.

We have also stated explicitly in our application that:

The Registry believes it is most appropriate to work with GAC and hear from GAC any further advice, if any, before completing the policy development process for the .inc TLD, especially for the Sunrise process involving additional considerations described above.

We plan to gradually open up the namespace for general registration while continuing requiring registrants to abide by registration policies. Pre-verification processes will be simplified gradually with increased post-registration enforcement supported by anti-abuse measures as described above and in our application #28 Abuse Prevention and Mitigation.

We are prepared to explore to include additional safeguards and moderate the pre-verification processes where appropriate in consultation with ICANN and the GAC.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

As mentioned in 4. above, we have already identified various relevant authorities, organizations and bodies to refer to for various processes, including to assess authenticity and consider appropriateness of activities for domain registrations.

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We are prepared to explore to include additional safeguards and to identify and work closely with other relevant authorities where appropriate in consultation with ICANN and the GAC.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

That being said, we again emphasize that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant. Therefore, while we will proactively check compliance, in terms of enforcement, we intend to work closely with Registrars to administer corrective measures.

Furthermore, we will develop and implement processes for community, industry and/or public reporting of compliancy issues. These have been included in our responses to #18c, #22, #28 and #29 of our application.

We are prepared to explore to include additional safeguards and processes where appropriate in consultation with ICANN and the GAC.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	DotKids Foundation Limited
Application ID	1-1309-46695
Applied for TLD (string)	KIDS

Response:

Dear ICANN Board & GAC,

First and foremost, the DotKids Foundation thank the GAC for providing a comprehensive set of advice to the ICANN Board on the subject of safeguards for new gTLDs. We also appreciate the opportunity to provide our response and feedback to the ICANN Board.

As a responsible new gTLD applicant, DotKids Foundation is glad to say that it has already included many measures in the submitted proposal to address the issues raised by the GAC, and believe that its proposal is fully compliant with the GAC advice. We further remain fully prepared to work closely with the GAC and GAC members on any area to further enhance the safeguard measures for the governance and management of the introduction and operations of the .kids gTLD in an orderly, secure and stable manner, technically and socially.

DotKids Foundation understand the critical importance of policies and measures to foster a kids-friendly environment under the .kids gTLD. We especially appreciate GAC’s announced principles regarding new gTLDs on March 28, 2007, to respect the provisions of the Universal Declaration of Human Rights and its reaffirmation in the GAC Communiqué – Beijing April 11, 2013.

Today, there are 9 core international human rights treaties focusing on different areas, including Economic, Social and Cultural Rights, Elimination of Racial Discrimination, Elimination of Discrimination against Women, Torture, Rights of Persons with Disabilities and Right of the Child etc. **The United Nations**

Convention on the Rights of Child (UNCRC), is the most widely ratified international human rights treaty¹ which sets out in detail what every child needs to have a safe, happy and fulfilled childhood regardless of their sex, religion, social origin, and where and to whom they were born.

The DotKids Foundation adopts the UNCRC as our guiding principle, with a core mission to run the domain name where we encourage children participation on Internet Governance discussion, and to promote a kids-friendly Internet space, as well as to provide support to the children community, especially to Kids-led initiatives and projects supporting kids' best interests. (for more information about the organizational mission please see main application #18).

The DotKids Foundation application is the only “.kid(s)” application that is in-line with the GAC advice by adopting the UNCRC and is fully respectful of human rights and fundamental freedoms as enshrined in the UN Universal Declaration of Human Rights where the UN has proclaimed that childhood is entitled to special care and assistance.

The DotKids initiative has received support from over 50 children's welfare and rights organizations around the world. Among which UNICEF², Save the Children³, Boys' and Girls' Club⁴ are already signed supporters of the DotKids initiative.

As a participant in the ICANN process, we are encouraged by the active participation of the GAC in the process. The GAC and governments are an important component of the ICANN process and the multi-stakeholder governance of the Internet's root DNS. Many of the issues raised by the GAC advice are issues that are actively discussed by the ICANN community. Some of which are already included in the considerations for this round of new gTLDs, some others are currently being discussed within the ICANN process. For example, policy development processes for WHOIS are ongoing and registration and usage abuse issues continue to be examined, including especially where such abuse issues should be within or beyond the scope of ICANN's purview.

For such items, we understand that ongoing multi-stakeholder processes should not be circumvented, and remain diligent against such undermining. Nevertheless, we are fully prepared to improve on our proposed mechanisms in our application as

¹ UNCRC has been ratified by the most countries among all of the Convention than any other human rights treaty in history whereby 192 countries had become State Parties to the Convention as of November 2005. Only two countries, Somalia and the United States, have not yet ratified this celebrated agreement. Somalia is currently unable to proceed to ratification as it has no recognized government. By signing the Convention, the United States has signalled its intention to ratify. (Reference Link: http://www.unicef.org/crc/index_30229.html)

² Hong Kong Committee for UNICEF

³ Save the Children Hong Kong

⁴ The Boys' and Girls' Clubs Association of Hong Kong

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well as to implement appropriate measures for .kids specifically as Registry policies before community wide ICANN policies are fully in place.

Most importantly, as we applaud the GAC on raising the issues and echo the recommendations to the ICANN Board, we especially suggest that the ICANN Board take care in considering changes made by applicants at this stage in this round of new gTLDs. We believe that the ICANN board should place some weight on considering the approval (and/or dismissal for that matter) of applications where substantive changes to proposed policies for governing and/or operating the gTLD are made as reactionary measures rather than as originally proposed.

The integrity of ICANN and the new gTLD process is at stake. Where appropriate and especially where having a choice, ICANN should approve applications that demonstrate their integrity in standing by their proposal as originally submitted and willingness to participate and respect the ICANN multi-stakeholder bottom-up process, including advice from the ACs. For example, DotKids Foundation's proposal for the .kids registry already adopts the UNCRC and has incorporated many different policies to comprehensively address the GAC advice while other applications for .kid(s) did not.

Finally, we also bring your attention to the ongoing work underway since the recent CEO Roundtables and further discussed at the DNS Summit (<http://blog.icann.org/2013/04/dns-summit-in-new-york/>). Especially the "proposals to codify ethical standards for DNS businesses", which may be an appropriate framework for addressing issues (e.g. content related) that may be beyond the scope of ICANN's policy mandate.

Attached further are specific responses to each of the issues raised in the GAC advice with excerpts from particular sections of the submitted DotKids Foundation proposal (<https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/161?t:ac=161>) and how it complies with and relates to the GAC advice.

We look forward to continuing the dialogue with the ICANN board and the GAC to address issues and put policies in place to mitigate against concerns in a constructive and prompt manner.

Sincerely,

DotKids Foundation

DotKids Foundation Response to GAC Communiqué – Beijing April 11, 2013

b. Safeguard Advice for New gTLDs

To reinforce existing processes for raising and addressing concerns the GAC is providing safeguard advice to apply to broad categories of strings (see Annex I).

Please see response for Annex I further below.

e. Community Support for Applications

The GAC advises the Board:

i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

We are supportive of this advice, especially for the positive impact to an impacted community should an appropriate community application be approved and selected to operate the new gTLD. The original provisions in the Applicant Guidebook (AGB) while provided a scoring system for community priority evaluation (CPE) was predicated on a concern for mitigating against abusive community designation given the priority of delegation if an application has satisfied the criteria of a community. Given that we have now already received all the applications for this round of new gTLDs and community designation responses, the ICANN Board (and staff) should be able to much better fine tune CPE scoring and evaluation, especially in response to this GAC advice. We therefore sincerely urge the ICANN Board to constructively provide further guidelines to evaluators to better support “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

The “.kid(s)” gTLD clearly targets children. Applicants for “.kid(s)” who do not adopt the United Nations Convention on the Rights of the Child (UNCRC) as their guiding principle represents an imminent potential harm to the kids community around the world.

DotKids Foundation, is the only Community TLD Applicant for the “.kid(s)” string and is the only applicant that adopts the UNCRC. We have been in dialogue with the child welfare and child rights community and understand that they share the concern and has a strong view that “.kid(s)” gTLD must adopt the principles of “UNCRC” in order to avoid and mitigate any potential harm to the community. There are many organisations dedicated to the kids community. Major international ones include UNICEF, Save the Children, Free the Children, Big Brothers Big Sisters,

Boys & Girls Club and many more. Among which UNICEF⁵, Save the Children⁶, Boys' and Girls' Club⁷ and over 50 other children's rights, children's welfare and children-led organizations around the world are already signed supporters of the DotKids initiative.

g. Protections for Intergovernmental Organisations

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority. This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation. The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward. Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.

We are supportive of this advice as a preventative initial protection for the IGO names and acronyms.

In our original submission for #22, we have already included the following in our proposal:

More specifically, the Registry commits to:

a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of the TLD.

b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of the TLD

Building on the experience from .INFO and .ASIA in their handling of country and government related names, the Registry will develop and establish policies for:

1) obtaining and maintaining a list of names with national or geographic significance to be reserved (at no cost to governments) upon the demand of governments, public authorities or IGOs;

⁵ Hong Kong Committee for UNICEF

⁶ Save the Children Hong Kong

⁷ The Boys' and Girls' Clubs Association of Hong Kong

2) process for registrants to apply for and for the Registry to obtain consent from the respective government, public authorities or IGOs in the releasing of such reserved geographic names; and

The procedures may be similar to the management of governmental reserved names for .ASIA (Section 3.4 of <http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf>). In summary:

I) The Registry will adhere to the New gTLD Registry Agreement Specification 5 requirements regarding 2. Two-Character Labels as well as 5. Country and Territory Names;

II) Before the launch of the TLD, the Registry will also proactively reach out to governments around the world, especially through GAC members (and ccTLD managers where appropriate), to solicit from them their demand for reserving any names with national or geographic significance at the second level of the TLD;

III) The Registry will develop mechanisms and maintain a list of governmental reference contacts, especially through correspondence with GAC members and ccTLD managers where appropriate. The corresponding reference contact(s) will be contacted in case a registration request is received for a governmental reserved name. If the consent from the governmental contact is received, the registration request will be approved. The domain will nevertheless remain in the reserved names list so that in case the registration lapses, the domain will not be released into the available pool, but will require the same approval process to be registered.

IV) The Registry will maintain an ongoing process for adding and updating governmental reserved names as they are demanded by governments, public authorities or IGOs.

In accordance with Specification 5 of the New gTLD Registry Agreement, the registry operator must initially reserve all geographic names at the second level, and at all other levels within the TLD at which the registry operator provides for registrations.

...

Furthermore, the Registry will actively participate in the development of appropriate process and policies for governments, public authorities or IGOs to challenge abuses of names with national or geographic significance. As an important stakeholder in the Registry, DotAsia Organisation (through Namesphere) will be supporting the efforts as well. DotAsia has been a pioneer of protective measures for new gTLDs, especially in its handling of governmental reserved names and its engagement with different stakeholders to develop rapid suspension policies, which provided part of the genesis of what is now standardized for new gTLDs as the URS (Uniform Rapid Suspension) process. Similar administrative processes may be explored and developed for

supporting challenge processes for abuses of names with national or geographic significance.

The above mechanism can be used for the protection of IGO names.

2. Registrar Accreditation Agreement (RAA)

Consistent with previous communications to the ICANN Board

a. the GAC advises the ICANN Board that:

i. the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.

The GAC also strongly supports the amendment to the new gTLD registry agreement that would require new gTLD registry operators to use only those registrars that have signed the 2013 RAA. The GAC appreciates the improvements to the RAA that incorporate the 2009 GAC---Law Enforcement Recommendations. The GAC is also pleased with the progress on providing verification and improving accuracy of registrant data and supports continuing efforts to identify preventative mechanisms that help deter criminal or other illegal activity. Furthermore the GAC urges all stakeholders to accelerate the implementation of accreditation programs for privacy and proxy services for WHOIS.

We are supportive of the direction of this advice to promote registrant rights and the provisioning of accurate WHOIS data. We further prompt the ICANN Board to realize that within the current ICANN gTLD Registry-Registrar framework, WHOIS (i.e. contact) data is obtained by and remains within the purview of Registrars and not the Registry. In order for the Registry to effectively take action, Registrar compliance will be crucial.

Further discussions included in response to Annex I, point 1. below.

3. WHOIS

The GAC urges the ICANN Board to:

a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group. The GAC stands ready to respond to any questions with regard to the GAC Principles. The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

We are supportive of this advice and agrees that matters pertaining WHOIS should best be considered and discussed through the ongoing policy development process on the matter.

4. International Olympic Committee and Red Cross /Red Crescent

Consistent with its previous communications, the GAC advises the ICANN Board to:

a. amend the provisions in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

We are prepared to implement such protections. Based on our original submission, and as explained above in “g. Protections for Intergovernmental Organisations”, this can be addressed within the proposed mechanism.

5. Public Interest Commitments Specifications

The GAC requests:

b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.

We are prepared to adhere and abide by our Public Interest Commitments including policy proposals submitted within our original proposal as well as our PIC submission: <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadpicposting/161?t:ac=161>

Annex I

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

DotKids Foundation is committed to governing and operating the Registry in a manner that

- is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.

- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

Under the UN Universal Declaration of Human Rights, there are 9 core international human rights treaties focusing on different areas, including Economic, Social and Cultural Rights, Elimination of Racial Discrimination, Elimination of Discrimination against Women, Torture, Rights of Persons with Disabilities and Right of the Child, etc. The United Nations Convention on the Rights of Child (UNCRC), is the most widely ratified international human rights treaty which sets out in detail what every child needs to have a safe, happy and fulfilled childhood regardless of their sex, religion, social origin, and where and to whom they were born.

Referring to the Application Section 18(a)(a) and 20(e), *“the Registry Operator makes a commitment to adopt the United Nations Convention on the Rights of the Child (UNCRC) as a fundamental guiding principle.”*

Furthermore:

- Referring to the Application #18(a)(b) and 20(c), *“the Registry Operator makes a commitment to support and encourage children's participation in Internet governance by making the governance of the .kids TLD itself a platform for children to participate as an important stakeholder in the multi-stakeholder approach.”*
- Referring to the Application #18(a)(c) and 20(e), *“the Registry Operator makes a commitment to promote kids-friendly content on the Internet with relevant registration policies and guidelines for the registrants based on the UNCRC.”*
- Referring to the Application #18(a)(d), *“the Registry Operator makes a commitment to contribute to the children community including supporting children's rights organizations and initiatives, especially with relevance to the development of the Internet in the best interests of the child.”*

These measures relate to the UNCRC articles for children participation, protection and welfare:

According to Article 17 of the UNCRC, it encourages the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

According to UNCRC Article 13, the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information

and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

According to UNCRC Article Article 12, the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

On issues of “respect all substantive and procedural laws under the applicable jurisdictions”:

- Referring to the Application #28, *“the Registry Operator is prepared to call upon relevant law enforcement bodies as needed. The specific action is dependent upon the jurisdiction of which the registry operator, but the operator in all cases will adhere to applicable laws and regulations. When valid court orders or seizure warrants are received from courts or law enforcement agencies of relevant jurisdiction, the registry operator will order execution in an expedited fashion. Compliance with these will be a top priority and will be completed as soon as possible and within the defined timelines of the order. Requests for such information is handled on a priority basis and sent back to the requestor as soon as possible. Our backend registry provider, Afiliats sets a goal to respond to such requests within 24 hours.”*
- Referring to the Application #29.3.3, *“the Registry Operator has already accounted for the compliance of national law not only by our registry, but also on our partners (Front-End Services Provider and Back-End Services Provider) via the binding Registry-Registrar and Registrar-Registrant Agreements... Registrants to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the registry.”*

On issues of the Registry to be operated in an “open manner consistent with general principles of openness and non-discrimination”:

- Referring to 20 (c)(c), *“the Registry Operator’s vision is rooted in the UNCRC and accepts the guiding principles of the Convention, including non-discrimination; adherence to the best interests of the child; the right to survival, protection and development; and the right to participation by the child. The Declaration already outlines the guidelines on openness and non-discrimination especially to a more vulnerable group of users on the Internet, children.”*
- Referring to #29, provisions in our proposal for additional Rights Protection Mechanisms to provide a strong balance for users’ rights beyond just providing protection to Intellectual Property rights: *“Furthermore, on top of the Sunrise program, a Pioneer Domains Program will be put in place to provide even further protection for prior rights holders while maintaining a strong balance against users’ rights.”*

Safeguards Applicable to all New gTLDs

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

We are prepared to be subjected to contractual oversight for safeguards applicable to all new gTLDs.

1. WHOIS verification and checks — Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

We are supportive of the direction for this advice and believe that we are already compliant. The scope and specific standard implementation of such policies may best be developed as a product of the ongoing WHOIS policy development process.

Nevertheless, individual Registry policies can provide the interim solution for this safeguard, and some of the mechanisms have already been provided in our original response to #28 Abuse Prevention and Mitigation:

Methods to promote WHOIS accuracy

The creation and maintenance of accurate WHOIS records is an important part of registry management. As described in our response to question #26, WHOIS, the registry operator will manage a secure, robust and searchable WHOIS service for this TLD.

WHOIS data accuracy

The registry operator will offer a “thick” registry system. In this model, all key contact details for each domain name will be stored in a central location by the registry. This allows better access to domain data, and provides uniformity in storing the information. The registry operator will ensure that the required fields for WHOIS data (as per the defined policies for the TLD) are enforced at the registry level. This ensures that the registrars are providing required domain registration data. Fields defined by the registry policy to be mandatory are documented as such and must be submitted by registrars. The Afiliis registry system verifies formats for relevant individual data fields (e.g. e-mail, and phone/fax numbers). Only valid country codes are allowed as

defined by the ISO 3166 code list. The Afilias WHOIS system is extensible, and is capable of using the VAULT system, described further below.

Similar to the centralized abuse point of contact described above, the registry operator can institute a contact email address which could be utilized by third parties to submit complaints for inaccurate or false WHOIS data detected. This information will be processed by Afilias' support department and forwarded to the registrars. The registrars can work with the registrants of those domains to address these complaints. Afilias will audit registrars on a yearly basis to verify whether the complaints being forwarded are being addressed or not. This functionality, available to all registry operators, is activated based on the registry operator's business policy.

Afilias also incorporates a spot-check verification system where a randomly selected set of domain names are checked periodically for accuracy of WHOIS data. Afilias' .PRO registry system incorporates such a verification system whereby 1% of total registrations or 100 domains, whichever number is larger, are spot-checked every month to verify the domain name registrant's critical information provided with the domain registration data. With both a highly qualified corps of engineers and a 24x7 staffed support function, Afilias has the capacity to integrate such spot-check functionality into this TLD, based on the registry operator's business policy. Note: This functionality will not work for proxy protected WHOIS information, where registrars or their resellers have the actual registrant data. The solution to that problem lies with either registry or registrar policy, or a change in the general marketplace practices with respect to proxy registrations.

Finally, Afilias' registry systems have a sophisticated set of billing and pricing functionality which aids registry operators who decide to provide a set of financial incentives to registrars for maintaining or improving WHOIS accuracy. For instance, it is conceivable that the registry operator may decide to provide a discount for the domain registration or renewal fees for validated registrants, or levy a larger cost for the domain registration or renewal of proxy domain names. The Afilias system has the capability to support such incentives on a configurable basis, towards the goal of promoting better WHOIS accuracy.

Role of registrars

As part of the RRA (Registry Registrar Agreement), the registry operator will require the registrar to be responsible for ensuring the input of accurate WHOIS data by their registrants. The Registrar/Registered Name Holder Agreement will include a specific clause to ensure accuracy of WHOIS data, and to give the registrar rights to cancel or suspend registrations if the Registered Name Holder fails to respond to the registrar's query regarding accuracy of data. ICANN's WHOIS Data Problem Reporting System (WDPRS) will be available to those who wish to file WHOIS inaccuracy reports, as per ICANN policy (<http://wdprs.internic.net/>).

The above are the baseline abuse prevention and mitigation measures of the registry. The registry is prepared to work with ICANN and the GAC to further enhance the measures where appropriate.

2. Mitigating abusive activity — Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are prepared to and have already proposed to include in our Registry-Registrar Agreement (RRA) provisions to ensure that terms of use for registrants include prohibitions against abusive activities.

The following is an extract from our response to #28 Abuse Prevention and Mitigation:

Anti-Abuse Policy

The following Anti-Abuse Policy is effective upon launch of the TLD. Malicious use of domain names will not be tolerated. The nature of such abuses creates security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. The registry operator definition of abusive use of a domain includes, without limitation, the following:

- *Illegal or fraudulent actions;*
- *Spam: The use of electronic messaging systems to send unsolicited bulk messages. The term applies to email spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums;*
- *Phishing: The use of counterfeit web pages that are designed to trick recipients into divulging sensitive data such as personally identifying information, usernames, passwords, or financial data;*
- *Pharming: The redirecting of unknowing users to fraudulent sites or services, typically through, but not limited to, DNS hijacking or poisoning;*
- *Willful distribution of malware: The dissemination of software designed to infiltrate or damage a computer system without the owner's informed consent. Examples include, without limitation, computer viruses, worms, keyloggers, and Trojan horses.*
- *Malicious fast-flux hosting: Use of fast-flux techniques with a botnet to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities.*
- *Botnet command and control: Services run on a domain name that are used to control a collection of compromised computers or "zombies," or to direct distributed denial-of-service attacks (DDoS attacks);*
- *Illegal Access to Other Computers or Networks: Illegally accessing computers, accounts, or networks belonging to another party, or attempting to penetrate security measures of another individual's system (often known as "hacking"). Also, any activity*

that might be used as a precursor to an attempted system penetration (e.g., port scan, stealth scan, or other information gathering activity).

Furthermore,

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

3. Security checks — While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

We are supportive of proactive measures to ensure the security and stability of the Internet. As indicated in the GAC advice, the respecting of privacy and confidentiality is paramount. Furthermore, while the inclusion of appropriate terms of use for registrants as described in “2. Mitigating abusive activity” above provides an effective enforcement mechanism, the subject matter of certain threats may traverse beyond the purview of ICANN policy coordination. For example matters concerning content. Such determination may best be addressed in proper ICANN policy development processes if implemented as a contractual and enforcement matter by ICANN.

Nevertheless, the Registry is fully prepared to implement policies within the registry and have already proposed such mechanisms in our original application under #28 Abuse Prevention and Mitigation:

Different types of malicious activities require different methods of investigation and documentation. Further, the registry operator expects to face unexpected or complex situations that call for professional advice, and will rely upon professional, trained investigators as needed.

In general, there are two types of domain abuse that must be addressed:

a) Compromised domains. These domains have been hacked or otherwise compromised by criminals, and the registrant is not responsible for the malicious activity taking place on the domain. For example, the majority of domain names that host phishing sites are compromised. The goal in such cases is to get word to the registrant (usually via the registrar) that there is a problem that needs attention with the expectation that the registrant will address the problem in a timely manner. Ideally such domains do not get suspended, since suspension would disrupt legitimate activity on the domain.

b) Malicious registrations. These domains are registered by malefactors for the purpose of abuse. Such domains are generally targets for suspension, since they have no legitimate use.

The standard procedure is that the registry operator will forward a credible alleged case of malicious domain name use to the domain's sponsoring registrar with a request that the registrar investigate the case and act appropriately. The registrar will be provided evidence collected as a result of the investigation conducted by the trained abuse handlers. As part of the investigation, if inaccurate or false WHOIS registrant information is detected, the registrar is notified about this. The registrar is the party with a direct relationship with—and a direct contract with—the registrant. The registrar will also have vital information that the registry operator will not, such as:

- Details about the domain purchase, such as the payment method used (credit card, PayPal, etc.);*
- The identity of a proxy-protected registrant;*
- The purchaser's IP address;*
- Whether there is a reseller involved, and;*
- The registrant's past sales history and purchases in other TLDs (insofar as the registrar can determine this).*

Registrars do not share the above information with registry operators due to privacy and liability concerns, among others. Because they have more information with which to continue the investigation, and because they have a direct relationship with the registrant, the registrar is in the best position to evaluate alleged abuse. The registrar can determine if the use violates the registrar's legal terms of service or the registry Anti-Abuse Policy, and can decide whether or not to take any action. While the language and terms vary, registrars will be expected to include language in their registrar-registrant contracts that indemnifies the registrar if it takes action, and allows the registrar to suspend or cancel a domain name; this will be in addition to the registry Anti-Abuse Policy. Generally, registrars can act if the registrant violates the registrar's terms of service, or violates ICANN policy, or if illegal activity is involved, or if the use violates the registry's Anti-Abuse Policy.

If a registrar does not take action within a time period indicated by the registry operator (usually 24 hours), the registry operator might then decide to take action itself. At all times, the registry operator reserves the right to act directly and immediately if the potential harm to Internet users seems significant or imminent, with or without notice to the sponsoring registrar.

The registry operator will be prepared to call upon relevant law enforcement bodies as needed. There are certain cases, for example, illegal pharmacy domains, where the registry operator will contact the Law Enforcement Agencies to share information about these domains, provide all the evidence collected and work closely with them before any action will be taken for suspension. The specific action is often dependent upon the jurisdiction of which the registry operator, although the operator in all cases will adhere to applicable laws and regulations.

When valid court orders or seizure warrants are received from courts or law enforcement agencies of relevant jurisdiction, the registry operator will order execution in an expedited fashion. Compliance with these will be a top priority and will be completed as soon as possible and within the defined timelines of the order. There are certain cases where Law Enforcement Agencies request information about a domain including but not limited to:

- *Registration information*
- *History of a domain, including recent updates made*
- *Other domains associated with a registrant's account*
- *Patterns of registrant portfolio*

Requests for such information is handled on a priority basis and sent back to the requestor as soon as possible. Afilius sets a goal to respond to such requests within 24 hours.

The registry operator may also engage in proactive screening of its zone for malicious use of the domains in the TLD, and report problems to the sponsoring registrars. The registry operator could take advantage of a combination of the following resources, among others:

- *Blocklists of domain names and nameservers published by organizations such as SURBL and Spamhaus.*
- *Anti-phishing feeds, which will provide URLs of compromised and maliciously registered domains being used for phishing.*
- *Analysis of registration or DNS query data [DNS query data received by the TLD nameservers.]*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Documentation — Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

We are supportive of the conceptual directive and are prepared to maintain such documentation. We however caution about misinterpretation and/or misuse of such statistical data.

As proposed in our application (under #28 Abuse Prevention and Mitigation):

The registry operator will keep records and track metrics regarding abuse and abuse reports. These will include:

- *Number of abuse reports received by the registry's abuse point of contact described above;*
- *Number of cases and domains referred to registrars for resolution;*
- *Number of cases and domains where the registry took direct action;*
- *Resolution times;*
- *Number of domains in the TLD that have been blacklisted by major anti-spam blocklist providers, and;*
- *Phishing site uptimes in the TLD.*

...

The security function includes a communication and outreach function, with information sharing with industry partners regarding malicious or abusive behavior, in order to ensure coordinated abuse mitigation across multiple TLDs.

Assessing abuse reports requires great care, and the registry operator will rely upon professional, trained investigators who are versed in such matters. The goals are accuracy, good record-keeping, and a zero false-positive rate so as not to harm innocent registrants.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are supportive of this advice and believe that our original proposal is already compliant with the GAC advice. Description of the mechanisms for handling complaints have been included in our response to #28 Abuse Prevention and Mitigation:

Abuse point of contact and procedures for handling abuse complaints

The registry operator will establish an abuse point of contact. This contact will be a role-based e-mail address of the form "abuse@registry.kids". This e-mail address will allow multiple staff members to monitor abuse reports on a 24x7 basis, and then work toward closure of cases as each situation calls for. For tracking purposes, the registry operator will have a ticketing system with which all complaints will be tracked internally. The reporter will be provided with the ticket reference identifier for potential follow-up. Afiliast will integrate its existing ticketing system with the registry operator's to ensure uniform tracking and handling of the complaint. This role-based

approach has been used successfully by ISPs, e-mail service providers, and registrars for many years, and is considered a global best practice.

The registry operator's designated abuse handlers will then evaluate complaints received via the abuse system address. They will decide whether a particular issue is of concern, and decide what action, if any, is appropriate.

In general, the registry operator will find itself receiving abuse reports from a wide variety of parties, including security researchers and Internet security companies, financial institutions such as banks, Internet users, and law enforcement agencies among others. Some of these parties may provide good forensic data or supporting evidence of the malicious behavior. In other cases, the party reporting an issue may not be familiar with how to provide such data or proof of malicious behavior. It is expected that a percentage of abuse reports to the registry operator will not be actionable, because there will not be enough evidence to support the complaint (even after investigation), and because some reports or reporters will simply not be credible.

In addition, DotKids will also feature a complaint platform for users on the Internet to file complaints for potentially abusive domains under .kids (#20e):

Open Compliant Platform and Immediate Process

Every netizen can file a complaint via the online portal with clear indication of the point of inappropriate content. The online portal enables all Internet users to contribute on building a kids-friendly Internet space at ease.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

We are supportive of including mechanisms to suspend a domain name against abusive activities and believe we are already compliant with the GAC advice. In our proposal (under #28 Abuse Prevention and Mitigation and #29 Rights Protection Mechanisms), we have already included mechanisms to disqualify, suspend, cancel or delete domain registrations where appropriate:

Pursuant to the Registry-Registrar Agreement, registry operator reserves the right at its sole discretion to deny, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status, that it deems necessary: (1) to protect the integrity and stability of the registry; (2) to comply with any

applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process; (3) to avoid any liability, civil or criminal, on the part of registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees; (4) per the terms of the registration agreement and this Anti-Abuse Policy, or (5) to correct mistakes made by registry operator or any registrar in connection with a domain name registration. Registry operator also reserves the right to place upon registry lock, hold, or similar status a domain name during resolution of a dispute.

In enforcing the special community requirements for the “.kids” TLD (#20e):

The DotKids Foundation has developed a set of Guiding Principles as described above in A) and will continue to refine such Guiding Principles under the guidance of the community. It is mandatory for all .kids registrants to adhere to the Guiding Principles. Violation of the principles, whether or not intentionally by the registrant, especially if such violation results in the proliferation of materials likely to harm and disturb kids, will be grounds for cancelation, suspension and takedown of the domain name.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

Category 1 Consumer Protection, Sensitive Strings, and Regulated Markets:

The GAC Advises the ICANN Board:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.

We are prepared to be and believe that our proposal is already compliant with this advice.

As part of our response to #28 Abuse Prevention and Mitigation, we have included provisions to ensure that registrants comply with all applicable laws:

The registry operator definition of abusive use of a domain includes, without limitation, the following:

- *Illegal or fraudulent actions;*

- *Spam;*
- *Phishing;*
- *Pharming;*
- *Willful distribution of malware;*
- *Malicious fast-flux hosting;*
- *Botnet command and control;*
- *Illegal Access to Other Computers or Networks.*

Furthermore, in response to #18c Rules to minimize social costs and #20e Registration policies, we have outlined additional policies and mechanisms to safeguard against consumer harm:

4. Protection Scheme

To facilitate the enforcement of the Guiding Principles described in 20e A. Eligibility, an express complaint-response system will be implemented through an online portal. The online portal will accept complaint reports of any inappropriate content from the public through a structured report form (i.e. such that the complainant can indicate the type of inappropriate content they are reporting and its severity in the view of the complainant, etc.). Upon the receipt of a complaint report, a takedown decision process will be initiated depending on the type of complaint report filed:

1: Illegal Content & Activities

In the case of a complaint report filed alleging illegal content and activity, the Registry, with the support from Afiliis as the registry back-end services provider, will activate the Anti-Abuse process as described in #28 (Abuse Prevention & Mitigation). If the investigation based on the Abuse Policy finds the complaint to be substantiated, the Registry, with the support from Afiliis, will act according to the Abuse Policy. If the investigation finds the complaint not to be of an abusive nature in the view of the Abuse Policy, the complaint will be passed to 2.

2: Inappropriate Content

In the case of a complaint report filed alleging inappropriate content or activity (or as a result of 1 above), the complaint report will be passed to the Monitoring Committee for further process. Anyone online can access the complaint-response portal to file a complaint report. This includes the DotKids Foundation itself as well as all members of the Foundation and members of the community. In fact, the DotKids Foundation is prepared to proactively guard against inappropriate content through this mechanism. A complaint report should clearly state the rationale of why the content or activity should be considered inappropriate and how the .kids domain is inconsistent with the .kids Guiding Principles and should be suspended.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

We are prepared to be and believe our proposal is compliant with this advice. The Registry will specify in its Registry-Registrar Agreement (RRA) that all registrants must be notified of this requirement at the time of registration.

3. Registry operators will require 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 and recognized industry standards.

We are prepared to be and believe that our proposal is already compliant with this advice. As described in 1. above, illegal behaviour under applicable law is considered abusive activities disallowed by the registry. The Registry will have the ability to utilize the APM (Abuse Prevention & Mitigation) mechanisms to suspend, cancel, delete or otherwise take action against the domain registration.

In addition, as stated in our application question #18 and #20(e), DotKids Foundation adopts the United Nations Convention on the Rights of the Child (UNCRC) as the fundamental guiding principles. Appropriate guidelines will be developed by the community members of DotKids Foundation for registrants to create kids-friendly website based on the UNCRC principles.

According to the Article 16 of UNCRC, which states that the following:

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

in other words, children have the right to protection of their privacy and thus DotKids Foundation is committed to develop relevant policies and the kids-friendly guidelines mentioned above in accordance to these principles.

In view of the special needs of kids, a Protection Mechanism will be in place. We have designed an online portal where any Internet users can report any harmful contents or misconduct of the registrants via their domains to the kids. A Monitoring Committee formed by children experts from around the globe will then be allowed to vote on whether the content is harmful and its level of severity so as to carry out the further necessary actions such as suspension or take-down of the domain. Moreover, serious offences of the content guideline or any illegal activities will be handled immediately. Details of the Protection Mechanism and the enforcement could be found in question 20(e) of our application.

GAC Advice Response Form for Applicants



We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

We are supportive of, fully prepared to be and believe our proposal is already compliant with this advice.

As stated in the earlier part and also in our application #20(b), DotKids Foundation will be formed as a membership consortium of the children-rights organizations and child-led group worldwide whereby the community will be the backbone of the governance structure and form the board of councillors and respective advisory councils. The high level engagement of the community members in the policy development process will help to devise strategy in mitigating as much as possible the risks of fraudulent, illegal and other activities that are detrimental to the kids community with references to the universal principles and standards among the community, i.e. the United Nations Convention on the Rights of the Child (UNCRC).

The DotKids Foundation has already reached out to and is establishing a working relationship with many relevant industry bodies and associations:

International Regulatory Bodies:

The United Nations Committee on the Convention on the Rights of the Child (CRC Committee)

Child-right Alliances:

- EuroChild, Brussels
- European NGO Alliance for Child Safety Online (eNACSO)
- Child Rights Coalition Asia (CRC Asia)

International and local child-centric organizations:

- UNICEF International
- Save the Children
- NetSafe, New Zealand
- INHOPE, Amsterdam

In our submitted application and also the continuous outreach work, we have already established a relationship with and obtained the support from many different organizations:

Moldova

Child Rights Information Center Moldova

Russia

GAC Advice Response Form for Applicants



The Foundation for Network Initiatives "The Smart Internet"

Australia

Mr. Alasdair Roy
Children and Young People Commissioner
ACT Human Rights Commission, Canberra Australia

Norway

Mr. Reidar Hjermmann
Former ombudsman for children in Norway, Clinical psychologist,
Expert in human rights and participation for children and young people

China/ Hong Kong

Hong Kong Youth Synergy
Internet Learning Support Centre
NetMission.Asia
The Hong Kong Academy for Gifted Education
Mr. Dennis Chi Kuen Ho
Alliance for Children's Commission
Against Child Abuse
Baby Friendly Hospital Initiative Hong Kong Association
Caritas Family Crisis Line & Education Centre, Children Counseling Services
Caritas Youth and Community Service
Children Rights Association
Chinese YMCA of Hong Kong – Hin Keng Centre
Evangelical Lutheran Church of Hong Kong Social Service Head Office
The Hong Kong Childhood Injury Prevention and Research Association
Hong Kong College of Paediatricians
Hong Kong Committee for UNICEF
Hong Kong Committee on Children's Rights
Hong Kong Council of Early Childhood Education and Services
Hong Kong Down Syndrome Association
Hong Kong Society for the Protection of Children
Kids' Dream
Playright Children's Play Association
Save the Children Hong Kong
Society for Community Organization
Suen Mei Speech & Hearing Centre
The Boys' and Girls' Clubs Association of Hong Kong
The Hong Kong Council of Social Service
TREATS
Ms Chan C.Y. Eliza
Mr Ken Chan
Dr Cheung Chiu Hung, Fernando
Dr Kwok Ka Ki
Mrs Priscilla Lui

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Mrs Mak Yau Mei Siu, Teresa

Asia Region

Child Rights Coalition Asia (CRC Asia)
Cambodia NGO Committee on the Rights of the Child (NGOCRC)

China/ Hong Kong

Hong Kong Committee on Children's Rights (HKCCR)

Indonesia

Children's Human Rights Foundation
Yayasan SEJIWA
Yayasan KKSP – Education and Information Centre for Child Rights
Sahabat Perempuan dan Anak Indonesia (SAPA Indonesia)

Philippines

Mindanao Action Group for Children's Rights and Protection (MAG-CRP)

Malaysia

Protect and Save the Children – Malaysia

Myanmar

Human Rights Education Institute of Burma (HREIB)
United Against Child Trafficking (United ACT)

Thailand

The Life Skills Development Foundation (TLSDF)

Vietnam

Vietnam Association for the Protection of Children's Rights (VAPCR)
Centre for Research and Support for Vietnamese Children (CENFORCHIL)
Paradise for Children Network (PCNet)
Institute for Social Studies (ISS)

Regional

Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS)
Save the Children Sweden – Southeast Asia and Pacific Regional Office
Terre des Hommes Germany in Southeast Asia
NGO Advisory Council for the Follow-up of the UN Secretary-General's
Study on Violence Against Children

Furthermore, the DotKids Foundation is formed as a consortium of industry organizations and committed to continued outreach to relevant industry regulatory bodies:

About DotKids Foundation

The operating registry, DotKids Foundation, is a not-for-profit organization founded with the support of children rights organizations and a governance structure that openly invites children as well as children's rights organizations to participate in the application and operation of the domain ".kids".

...the Foundation and actively reach out to the community and invite children-right organizations to join the Foundation as members and form the Board of Councilors and Advisory Councils according to the following framework.

Special Features of the Governance Structure and Operation:

- 1. A membership consortium formed by children-right organizations and children-led groups*
- 2. Board Members formed by children-right organizations and professional individuals*
- 3. Advisory Councils formed by children right professionals, IT technology specialist and children-led groups*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

We are supportive of the conceptual direction of this advice to be able to connect with registrants in a timely fashion. At the same time, we also understand that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant.

Nevertheless, in balancing the above considerations, it is possible to setup an "Operations and Notifications Contact" (for example, this was approach was successfully implemented to address similar conditions during the original .ASIA ASCII launch), which Registrars and/or registrants may select to nominate, with default being either the Registrar contact or the Admin Contact for the registrant.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with

market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

Credentials of registrants will be checked with the Registrant pre-verification and authentication process as part of the Abuse prevention and mitigation mechanisms (#28):

Registrant pre-verification and authentication

One of the systems that could be used for validity and identity authentication is VAULT (Validation and Authentication Universal Lookup). It utilizes information obtained from a series of trusted data sources with access to billions of records containing data about individuals for the purpose of providing independent age and id verification as well as the ability to incorporate additional public or private data sources as required. At present it has the following: US Residential Coverage - 90% of Adult Population and also International Coverage - Varies from Country to Country with a minimum of 80% coverage (24 countries, mostly European).

Various verification elements can be used. Examples might include applicant data such as name, address, phone, etc. Multiple methods could be used for verification include integrated solutions utilizing API (XML Application Programming Interface) or sending batches of requests.

- Verification and Authentication requirements would be based on TLD operator requirements or specific criteria.*
- Based on required WHOIS Data; registrant contact details (name, address, phone)*
- If address/ZIP can be validated by VAULT, the validation process can continue (North America +25 International countries)*
- If in-line processing and registration and EPP/API call would go to the verification clearinghouse and return up to 4 challenge questions.*
- If two-step registration is required, then registrants would get a link to complete the verification at a separate time. The link could be specific to a domain registration and pre-populated with data about the registrant.*
- If WHOIS data is validated a token would be generated and could be given back to the registrar which registered the domain.*
- WHOIS data would reflect the Validated Data or some subset, i.e., fields displayed could be first initial and last name, country of registrant and date validated. Other fields could be generic validation fields much like a "privacy service".*

- A “Validation Icon” customized script would be sent to the registrants email address. This could be displayed on the website and would be dynamically generated to avoid unauthorized use of the Icon. When clicked on the Icon would show limited WHOIS details i.e. Registrant: jdoe, Country: USA, Date Validated: March 29, 2011, as well as legal disclaimers.
- Validation would be annually renewed, and validation date displayed in the WHOIS.

Eligibility of Registrants are verified and subject to challenge during startup phases including Sunrise (#29 Rights Protection Mechanisms):

29.1.3 Sunrise Challenge (Dispute Resolution) Process

Besides a contention resolution process, an important part of any Sunrise process is a well developed Sunrise Challenge Process to ensure the integrity of the Sunrise program. The Sunrise Challenge Process is important such that after the allocation of a Sunrise name, there is a period of time where legitimate rights owners can challenge the legitimacy and eligibility of a registrant based on the Sunrise policies to a domain name.

Furthermore, in response to #20e Registration policies, we have outlined additional policies and mechanisms to safeguard against consumer harm based on the eligibility of registrants:

A) Eligibility: For registering a second-level name, and how will eligibility be determined

The .kids TLD is restricted to children centric organizations, non-governmental organizations (NGOs), children’s rights initiatives and children led initiatives in the first phase of Sunrise. A multi-phased Sunrise process will be adopted (for more information please see application form #29).

In a subsequent Sunrise phase, the standard ICANN new gTLD sunrise and Trademark Clearing House implementation will be offered for legitimate registered trademarks and service marks owners to obtain domains corresponding to their entity names.

Throughout the Sunrise, Landrush phases and upon Go Live, the .kids TLD is restricted to registrants who expressly adhere to the following Guiding Principles in the provision of content and services with their .kids domain:

1) Strictly adhere to the UNCRC principles in the provision of content and services under the .kids domain;

2) Content, including the domain name itself, and services provided through the .kids domain must be appropriate for children under the age of 18 and must not include any materials related to:

- Gambling

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- *Illegal drugs*
- *Pornography & Obscenity*
- *Violence*
- *Alcohol*
- *Tobacco*
- *Criminal Activities;*

3) Illegal content is strictly prohibited (including but not limited to trafficking, substance of abuse, phishing, copyright infringement, and other illegal content as defined by the laws of the country for which the registrant and/or the sponsoring registrar resides); and,

4) Registrants pledge to use best efforts basis to offer kids friendly content and services (i.e. content that are more easily comprehensible for kids) on the .kids domain.

Pre-verification processes will be simplified gradually with increased post-registration enforcement supported by anti-abuse measures as described above and in our application #28 Abuse Prevention and Mitigation.

We are prepared to explore to include additional safeguards and moderate the pre-verification processes where appropriate in consultation with ICANN and the GAC.

<p>7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.</p>
--

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

As mentioned in 4. above, we have already identified various relevant authorities, organizations and bodies to refer to for various processes, including to assess authenticity and consider appropriateness of activities for domain registrations.

Many countries across the world have a children's commissioner or its equivalent. Based on our initial survey, there are Child Commissioners established in 70 countries in over 200 regions. The DotKids Foundation will seek to establish a relationship with them and will consult with them as the relevant national supervisory authority.

As an example, with reference to the European Network of Ombudspersons for Children (ENOC), independent human rights institutions for children from 23 countries in Europe includes:

Member list of ENOC

Armenia Office of the Human Rights Defender of the Republic of Armenia

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Austria	Ombudsperson for Children Province of Vorarlberg - Austria Office of Commissioner for Human Rights of the Republic of
Azerbaijan	Azerbaijan Children's Rights Commissioner - Belgium (Flemish)
Belgium	Délégué général de la Communauté française aux droits de l'enfant
Bosnia and Herzegovina	Ombudsman for children of Republika Srpska The Human Rights Ombudsman of Bosnia and Herzegovina
Croatia	The Ombudsperson for Children Republic of Croatia
Cyprus	Commissioner for Children's Rights of the Republic of Cyprus
Denmark	Danish Council for Children's Rights
Estonia	Chancellor of Justice-Children's Rights Department
Finland	Ombudsman for children in Finland
France	Défenseur des Droits-Défenseur adjoint aux droits des enfants
Georgia	The Office of the Public Defender of Georgia Independent Authority Ombudsman of the Hellenic Republic
Greece	Department of Children's Rights - Greece
Hungary	Commissioner for Fundamental Rights - Hungary
Iceland	Ombudsman for Children - Iceland
Ireland	Ombudsman for Children - Ireland
Italy	National Authority for Children and Adolescents-Italy
Latvia	Ombudsman of the Republic of Latvia - Children's Rights Department
Lithuania	Ombudsperson for Children's Rights - Lithuania
Luxembourg	Ombudscommittee for the Rights of the Child - Luxembourg
Malta	Commissioner for Children - Malta
Moldova, Republic of	The Center for Human Rights
Montenegro	Protector of Human Rights and Freedoms of Montenegro
Netherlands	De Kinderombudsman
Norway	Ombudsman for Children - Norway
Poland	Ombudsman for Children-Poland
Russian Federation	Ombudsman for Children under the President of the Federation of Russia Protector of Citizens, Serbia
Serbia	The Provincial Ombudsman-Autonomous Province of Vojvodina
Slovakia	Office of The Public Defender of Rights - Slovak Republic
Slovenia	Slovenia Human Rights Ombudsman Office Office of the Catalan Ombudsman-Deputy Ombudsman for Children's Rights Children's Ombudsman in Andalusia-Spain
Spain	Valedor do Pobo de Galicia
Sweden	Ombudsman for Children in Sweden
Ukraine	The Ukrainian Parliament Commissioner for Human Rights
United	Children's Commissioner for Wales - UK

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Kingdom Office of the Children's Commissioner for England-UK
Northern Ireland Commissioner for Children and Young People
Scotland's Commissioner for Children and Young People

The fundamental guiding principles of DotKids Foundation, i.e. UNCRC has been ratified by the most countries among all of the Convention than any other human rights treaty in history whereby 192 countries had become State Parties to the Convention as of November 2005. Only two countries, Somalia and the United States, have not yet ratified this celebrated agreement. Somalia is currently unable to proceed to ratification as it has no recognized government. By signing the Convention, the United States has signalled its intention to ratify. (Reference Link: http://www.unicef.org/crc/index_30229.html)

In each of the State Parties, there are dedicated departments within the government to be responsible on monitoring and reporting the implementation situation of the UNCRC within the country whom would be one of the national supervisory bodies that we can work with and seek advice from. Many countries have also established Children's Ombudsman, Children's Commissioner, Child Advocate, Children's Commission or equivalent bodies.

We are prepared to explore to include additional safeguards and to identify and work closely with other relevant authorities where appropriate in consultation with ICANN and the GAC.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

That being said, we again emphasize that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant. Therefore, while we will proactively check compliance, in terms of enforcement, we intend to work closely with Registrars to administer corrective measures.

Furthermore, we will develop and implement processes for community, industry and/or public reporting of compliancy issues. These have been included in our responses to #18c, #22, #28 and #29 of our application.

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Most importantly a Monitoring Committee will be setup which will continuously conduct post-registration checks to ensure registrants' validity and compliance with requirements:

Monitoring Committee

The Monitoring Committee consists of members of the Foundation, individuals from the Professional Advisory Council and other qualified children's rights, children services or children centric organization who volunteers to be on the notification list. Each Committee Member will be able to login to the complaint-response portal and place a "vote": Red, Yellow or Green against a complaint report filed:

Content Violation Indicators

Red: The domain has severely violated the .Kids Guiding Principles developed by the DotKids Foundation and the domain should be taken down.

Yellow: The domain has marginally violated the .Kids Guiding Principles, a warning should be given and if changes are not made and violation rectified in 10 calendar days, the website should be taken down.

Green: The website did not violate the .Kids Guiding Principles and no action should be made.

The .Kids Guiding Principles have been included in the response to 6. Above and also in the response to #20e Registration policies in the original application.

We are prepared to explore to include additional safeguards and processes where appropriate in consultation with ICANN and the GAC.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

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

Response:

Dear ICANN Board & GAC,

First and foremost, the Asia Spa and Wellness Promotion Council (ASWPC) thank the GAC for providing a comprehensive set of advice to the ICANN Board on the subject of safeguards for new gTLDs. We also appreciate the opportunity to provide our response and feedback to the ICANN Board.

As a responsible new gTLD applicant, the ASWPC is glad to say that it has already included many measures in the submitted proposal to address the issues raised by the GAC. The ASWPC also remains fully prepared to work closely with the GAC and GAC members on any area to further enhance the safeguard measures in the governance and management of the introduction and operations of the .SPA gTLD in an orderly, secure and stable manner, technically and socially.

ASWPC has applied for the “.SPA” gTLD as a Community TLD and is deeply involved in the spa and wellness community. Connected with over 400 licensed spas across Asia and over 2000 spa professionals participating in and attending its events, the ASWPC is committed to supporting a vibrant, self-sustaining spa and wellness industry. ASWPC intends to operate the registry as an open global platform for spas around the world (not just for Asia), and will formalize a dedicated .Spa Registry Community Advisory Council to support the governance, policy development, community engagement and outreach for the global .spa TLD. ASWPC has already received and continue to receive support from our community as we prepare to operate the .SPA registry with the best interests of the spa and wellness community as well as the public interest at large in mind.

Furthermore, in contrast to the other “.SPA” applications, the ASWPC proposal is the only one that provided thorough considerations for implicative meanings of the term “spa” (beyond its use in the spa and wellness community), including:

- the municipality of Spa in Belgium
- the short form of "Società Per Azioni" (which means “stock corporation” in Italy and is often denoted in the short form: "S.p.A.")

The ASWPC proposal is also the only application for “.SPA” that proposed specific implementable policies to address coincidental meaning of the term “spa”, including:

- a. Reserved Names List
- b. Special Sunrise Considerations
- c. Claims & Notification Mechanism

ASWPC has also identified and has committed to proactively reaching out to the Town of Spa in Belgium (<http://www.spa-info.be/>) as well as the Italian Chambers of Commerce (<http://www.infocamere.it/>) who is responsible for “Società Per Azioni” (i.e. S.p.A.) registrations to further address potential issues.

These special policies to mitigate its use for these other possible designations are discussed in details in our responses to #20e, #22 and #29 in our original proposal. They include Sunrise provisions to ensure that the prior rights of others in these areas are not infringed upon, as well as ongoing measures to address and prevent abuse. We believe that these should be taken into consideration in the Board’s decision regarding the GAC advice.

As a participant in the ICANN process, we are encouraged by the active participation of the GAC in the process. The GAC and governments are an important component of the ICANN process and the multi-stakeholder governance of the Internet’s root DNS. Many of the issues raised by the GAC advice are issues that are actively discussed by the ICANN community. Some of which are already included in the considerations for this round of new gTLDs (e.g. #28 Abuse Prevention and Mitigation), some others are currently being discussed within the ICANN process. For example, policy development processes for WHOIS are ongoing and registration and usage abuse issues continue to be examined, including especially where such abuse issues should be within or beyond the scope of ICANN’s purview.

For such items, we understand that ongoing multi-stakeholder processes should not be circumvented, and remain diligent against such undermining. Nevertheless, we are fully prepared to improve on our proposed mechanisms in our application as well as to implement appropriate measures for .SPA specifically as Registry policies before community wide ICANN policies are fully in place.

Most importantly, as we applaud the GAC on raising the issues and echo the recommendations to the ICANN Board, we especially suggest that the ICANN Board

GAC Advice Response Form for Applicants



take care in considering changes made by applicants at this stage in this round of new gTLDs. We believe that the ICANN board should place some weight on considering the approval (and/or dismissal for that matter) of applications where substantive changes to proposed policies for governing and/or operating the gTLD are made as reactionary measures rather than as originally proposed.

The integrity of ICANN and the new gTLD process is at stake. Where appropriate and especially where having a choice, ICANN should approve applications that demonstrate their integrity in standing by their proposal as originally submitted and willingness to participate and respect the ICANN multi-stakeholder bottom-up process, including advice from the ACs. For example, the ASWPC proposal for the .SPA registry already incorporated many different policies to address the GAC advice while other applications for .SPA did not.

Finally, we also bring your attention to the ongoing work underway since the recent CEO Roundtables and further discussed at the DNS Summit (<http://blog.icann.org/2013/04/dns-summit-in-new-york/>). Especially the “proposals to codify ethical standards for DNS businesses”, which may be an appropriate framework for addressing issues (e.g. content related) that may be beyond the scope of ICANN’s policy mandate.

Attached further are specific responses to each of the issues raised in the GAC advice with excerpts from particular sections of the submitted ASWPC proposal (<https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/123?t:ac=123>) and how it complies with and relates to the GAC advice.

We look forward to continuing the dialogue with the ICANN board and the GAC to address issues and put policies in place to mitigate against concerns in a constructive and prompt manner.

Sincerely,

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

ASWPC Response to GAC Communiqué – Beijing April 11, 2013

b. Safeguard Advice for New gTLDs

To reinforce existing processes for raising and addressing concerns the GAC is providing safeguard advice to apply to broad categories of strings (see Annex I).

Please see response for Annex I further below.

e. Community Support for Applications

The GAC advises the Board:

i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

We are supportive of this advice, especially for the positive impact to an impacted community should an appropriate community application be approved and selected to operate the new gTLD. The original provisions in the Applicant Guidebook (AGB) while provided a scoring system for community priority evaluation (CPE) was predicated on a concern for mitigating against abusive community designation. Given that we have now already received all the applications for this round of new gTLDs and community designation responses, the ICANN Board (and staff) should be able to much better fine tune CPE scoring and evaluation, especially in response to this GAC advice. We therefore sincerely urge the ICANN Board to constructively provide further guidelines to evaluators to better support “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

The Asia Spa and Wellness Promotion Council (ASWPC) as the Applicant for the .spa TLD is deeply involved in the spa and wellness community. Connected with over 400 licensed spas across Asia and over 2000 spa professionals participating in and attending its events, the ASWPC is committed to supporting a vibrant, self-sustaining spa and wellness industry.

g. Protections for Intergovernmental Organisations

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority. This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation. The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and

ICANN Staff to find a workable and timely way forward. Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.

We are supportive of this advice as a preventative initial protection for the IGO names and acronyms.

In our original submission for #22, we have already included the following in our proposal:

More specifically, the Registry commits to:

a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of the TLD.

b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of the TLD

Building on the experience from .INFO and .ASIA in their handling of country and government related names, the Registry will develop and establish policies for:

1) obtaining and maintaining a list of names with national or geographic significance to be reserved (at no cost to governments) upon the demand of governments, public authorities or IGOs;

2) process for registrants to apply for and for the Registry to obtain consent from the respective government, public authorities or IGOs in the releasing of such reserved geographic names; and

The procedures may be similar to the management of governmental reserved names for .ASIA (Section 3.4 of <http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf>). In summary:

I) The Registry will adhere to the New gTLD Registry Agreement Specification 5 requirements regarding 2. Two-Character Labels as well as 5. Country and Territory Names;

II) Before the launch of the TLD, the Registry will also proactively reach out to governments around the world, especially through GAC members (and ccTLD managers where appropriate), to solicit from them their demand for reserving any names with national or geographic significance at the second level of the TLD;

III) The Registry will develop mechanisms and maintain a list of governmental reference contacts, especially through correspondence with GAC members and ccTLD managers where appropriate. The corresponding reference contact(s) will be contacted in case a registration request is received for a governmental reserved name. If the consent from the governmental contact is received, the registration request will be approved. The domain will nevertheless remain in the reserved names list so that in case the registration lapses, the domain will not be released into the available pool, but will require the same approval process to be registered.

IV) The Registry will maintain an ongoing process for adding and updating governmental reserved names as they are demanded by governments, public authorities or IGOs.

In accordance with Specification 5 of the New gTLD Registry Agreement, the registry operator must initially reserve all geographic names at the second level, and at all other levels within the TLD at which the registry operator provides for registrations.

...

Furthermore, the Registry will actively participate in the development of appropriate process and policies for governments, public authorities or IGOs to challenge abuses of names with national or geographic significance. As an important stakeholder in the Registry, DotAsia Organisation (through Namesphere) will be supporting the efforts as well. DotAsia has been a pioneer of protective measures for new gTLDs, especially in its handling of governmental reserved names and its engagement with different stakeholders to develop rapid suspension policies, which provided part of the genesis of what is now standardized for new gTLDs as the URS (Uniform Rapid Suspension) process. Similar administrative processes may be explored and developed for supporting challenge processes for abuses of names with national or geographic significance.

The above mechanism can be used for the protection of IGO names.

2. Registrar Accreditation Agreement (RAA)

Consistent with previous communications to the ICANN Board

a. the GAC advises the ICANN Board that:

i. the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.

The GAC also strongly supports the amendment to the new gTLD registry agreement that would require new gTLD registry operators to use only those registrars that have signed the 2013 RAA. The GAC appreciates the improvements to the RAA that incorporate the 2009 GAC---Law Enforcement Recommendations. The GAC is also pleased with the progress on providing verification and improving accuracy of registrant data and supports continuing efforts to identify preventative mechanisms

that help deter criminal or other illegal activity. Furthermore the GAC urges all stakeholders to accelerate the implementation of accreditation programs for privacy and proxy services for WHOIS.

We are supportive of the direction of this advice to promote registrant rights and the provisioning of accurate WHOIS data. We further prompt the ICANN Board to realize that within the current ICANN gTLD Registry-Registrar framework, WHOIS (i.e. contact) data is obtained by and remains within the purview of Registrars and not the Registry. In order for the Registry to effectively take action, Registrar compliance will be crucial.

Further discussions included in response to Annex I, point 1. below.

3. WHOIS

The GAC urges the ICANN Board to:

a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group. The GAC stands ready to respond to any questions with regard to the GAC Principles. The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

We are supportive of this advice and agree that matters pertaining WHOIS should best be considered and discussed through the ongoing policy development process on the matter.

4. International Olympic Committee and Red Cross /Red Crescent

Consistent with its previous communications, the GAC advises the ICANN Board to:

a. amend the provisions in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

We are prepared to implement such protections. Based on our original submission, and as explained above in “g. Protections for Intergovernmental Organisations”, this can already be addressed within the proposed mechanism.

5. Public Interest Commitments Specifications

The GAC requests:

b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.

We are prepared to adhere and abide by our public interest commitments including policy proposals submitted within our original proposal as a Community TLD.

Annex I

Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

We are committed to governing and operating the Registry in a manner that

- is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.

In further response to this, especially on the issues of openness, non-discrimination and to be respectful of human rights and fundamental freedoms, we have further included provisions in our proposal for additional Rights Protection Mechanisms to provide a strong balance for users' rights beyond just providing protection to Intellectual Property rights:

“Furthermore, on top of the Sunrise program, a Pioneer Domains Program will be put in place to provide even further protection for prior rights holders while maintaining a strong balance against users' rights.”

To further ensure that the balance of rights be considered (#18c):

“Priority is provided to members of the community through the Sunrise and startup processes (see #20e and #29) to build a positive foundation of usage for the .spa TLD.

Special consideration is also provided to incidental implicated communities for which the string “spa” may be used in another context (see also #20e and #29).

...

Special Coincidental Considerations

In addition to the GAC advice and Specification 5, and following from the discussions in #20d and #20e D) Enforcement: based on the research as described in #20d, we recognize that there is coincidental usage of the string “spa” in other contexts beyond its predominant meaning. For completeness in mitigating against abusive usage of the .spa TLD based on such coincidental usage, the Registry will put in place 3 key measures to address potential concerns.

a. Reserved Names List

In addition to ICANN and geographical reserved names lists, upon the approval from ICANN for the .spa TLD, the Registry will proactively reach out to the Town of Spa in Belgium (<http://www.spa-info.be/>) as well as the Italian Chambers of Commerce (<http://www.infocamere.it/>) who is responsible for “Società Per Azioni” (i.e. S.p.A.) registrations, to study whether additional reserved names would be appropriate at the .spa TLD.

This will serve to ensure that the introduction of the .spa TLD will not inadvertently negatively impact the coincidental communities where the string “spa” may carry a meaning. Where appropriate additional reserved names will be included, for which activation will require special conditions to be met.

The activation process can follow a similar mechanism described above for the activation of governmental reserved names:

i) For names corresponding to the Town of Spa, the same mechanism can be used, where the consent from the corresponding government is to be sought before accepting the registration;

ii) For names related to registered “Società Per Azioni” (i.e. S.p.A.), the Registry will verify whether the registrant for the name corresponds with the Italian Chambers of Commerce (<http://www.infocamere.it/>) database. If the information agrees, the registration is accepted.

b. Special Sunrise Considerations

Similarly, the appropriateness of additional Sunrise considerations specifically for entities from the town of Spa in Belgium and registered “Società Per Azioni” (i.e. S.p.A.) would be explored. Such considerations will, if found appropriate, will be incorporated into the Sunrise process (see further details in #29). In the study, the Registry will also

work closely with the selected Trademark Clearing House (TMCH) to see if such verification and registration processes can be procured through a similar process.

If such Sunrise phase is included, a similar addition, as the consent process described above in a. Reserved Names List, to the verification process could be implemented.

c. Claims & Notification Mechanism

Finally, a claims and notification mechanism, similar to the standard trademarks claims service as described in the Applicant Guidebook, will also be considered and discussed with the town of Spa and with the Italian Chambers of Commerce. The possibility of a two way notification process may also be explored (i.e. both for when a ".spa" domain is registered which may conflict with a registered "S.p.A." registration as well as vice versa for a newly registered "S.p.A." that may conflict with a registered .spa domain).

The Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such processes can be procured through a similar process as the standard trademark claims service.

These considerations demonstrate ASWPC's thorough policy consideration on the matter.

Safeguards Applicable to all New gTLDs

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

We are prepared to be subjected to contractual oversight for safeguards applicable to all new gTLDs.

1. WHOIS verification and checks — Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

We are supportive of the direction for this advice and believe that we are already compliant. The scope and specific standard implementation of such policies may best be developed as a product of the ongoing WHOIS policy development process.

Nevertheless, individual Registry policies can provide a solution for this safeguard, and some of the mechanisms have already been provided in our original response to #28 Abuse Prevention and Mitigation, including proactive analysis and audits:

4.2 Pre-emptive – Mitigating of the Potential for Abuse

The following practices and procedures will be adopted to mitigate the potential for abusive behaviour in our TLD.

...

4.2.4 Safeguards Against Allowing for Unqualified Registrations

The eligibility restrictions for this TLD are outlined in our response to Question 18. Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements:

– Registrant warrants that it satisfies eligibility requirements.

Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful.

Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.

4.2.6 Restrictions on Proxy Registration Services

Whilst it is understood that implementing measures to promote WhoIs accuracy is necessary to ensure that the registrant may be tracked down, it is recognised that some registrants may wish to utilise a proxy registration service to protect their privacy. In the event that Registrars elect to offer such services, the following conditions apply:

– Proxy registration services may only be offered by Registrars and NOT resellers.

– Registrars must ensure that the actual WhoIs data is obtained from the registrant and must maintain accurate records of such data.

– Registrars must provide Law Enforcement Agencies (LEA) with the actual WhoIs data upon receipt of a verified request.

– Proxy registration services may only be made available to private individuals using the domain name for non-commercial purposes.

These conditions will be implemented contractually by inclusion of corresponding clauses in the RRA as well as being published on the Abuse page of our registry website. Individuals and organisations will be encouraged through our Abuse page to report any domain names they believe violate the above restrictions, following which appropriate action may be taken by us. Publication of these conditions on the Abuse page of our registry website ensures that registrants are aware that despite utilisation of a proxy registration service, actual WhoIs information will be provided to LEA upon request in order to hold registrants liable for all actions in relation to their domain

name. The certainty that WhoIs information relating to domain names which draw the attention of LEA will be disclosed results in the TLD being less attractive to those seeking to register domain names for abusive purposes, thus mitigating the potential for abuse in the TLD.

...

4.2.9 Promoting WhoIs Accuracy

Inaccurate WhoIs information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of WhoIs information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of WhoIs information in our TLD including:

– Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided WhoIs information by a member of the Abuse and Compliance Team in order to verify all WhoIs information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant, who must then provide a contact number that is verified by the member of the Policy Compliance team. In the event that the registrant is not able to be contacted by any of the methods provided in WhoIs, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate WhoIs information and is grounds for terminating the registration agreement).

– Semi-annual audits: to identify incomplete WhoIs information. Registrants will be contacted using provided WhoIs information and requested to provide missing information. In the event that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.

– Email reminders: to update WhoIs information to be sent to registrants every 6 months.

– Reporting system: a web-based submission service for reporting WhoIs accuracy issues available on the Abuse page of our registry website.

– Analysis of registry data: to identify patterns and correlations indicative of inaccurate WhoIs (eg repetitive use of fraudulent details).

Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate WhoIs information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.

The measures to promote WhoIs accuracy described above strike a balance between the need to maintain the integrity of the WhoIs service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner.

Awareness by registrants that we will actively take steps to maintain the accuracy of WhoIs information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.

The above are the baseline abuse prevention and mitigation measures of the registry. The registry is prepared to work with ICANN and the GAC to further enhance the measures where appropriate.

2. Mitigating abusive activity — Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are prepared to and have already proposed to include in our Registry-Registrar Agreement (RRA) provisions to ensure that terms of use for registrants include prohibitions against abusive activities.

The following is an extract from our response to #28 Abuse Prevention and Mitigation:

Our RRA will oblige all Registrars to do the following in relation to the Anti-Abuse Policy:

- comply with the Anti-Abuse Policy; and*
- include in their registration agreement with each registrant an obligation for registrants to comply with the Anti-Abuse Policy and each of the following requirements:*

‘operational standards, policies, procedures, and practices for the TLD established from time to time by the registry operator in a non-arbitrary manner and applicable to all Registrars, including affiliates of the registry operator, and consistent with ICANN’s standards, policies, procedures, and practices and the registry operator’s Registry Agreement with ICANN. Additional or revised registry operator operational standards, policies, procedures, and practices for the TLD shall be effective upon thirty days notice by the registry operator to the Registrar. If there is a discrepancy between the terms required by this Agreement and the terms of the Registrar’s registration agreement, the terms of this Agreement shall supersede those of the Registrar’s registration agreement’.

Our RRA will additionally incorporate the following BITS Requirements:

- Requirement 7: Registrars must certify annually to ICANN and us compliance with ICANN’s Registrar Accreditation Agreement (RAA) our Registry-Registrar Agreement (RRA).*
- Requirement 9: Registrars must provide and maintain valid primary contact information (name, email address, and phone number) on their website.*

- *Requirement 14: Registrars must notify us immediately regarding any investigation or compliance action, including the nature of the investigation or compliance action by ICANN or any outside party (eg law enforcement, etc.) along with the TLD impacted.*
- *Requirement 19: Registrars must disclose registration requirements on their website. We will re-validate our RRAs at least annually, consistent with Requirement 10.*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

3. Security checks — While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

We are supportive of proactive measures to ensure the security and stability of the Internet. As indicated in the GAC advice, the respecting of privacy and confidentiality is paramount. Furthermore, while the inclusion of appropriate terms of use for registrants as described in “2. Mitigating abusive activity” above provides an effective enforcement mechanism, the subject matter of certain threats may traverse beyond the purview of ICANN policy coordination. For example matters concerning content. Such determination may best be addressed in proper ICANN policy development processes if implemented as a contractual and enforcement matter by ICANN.

Nevertheless, the Registry is fully prepared to implement policies within the registry and have already proposed such mechanisms in our original application under #28 Abuse Prevention and Mitigation:

4.3.1 Detection – Analysis of Data

The Registry will routinely analyse registry data in order to identify abusive domain names by searching for behaviours typically indicative of abuse. The following are examples of the data variables that will serve as indicators of a suspicious domain name and may trigger further action by the Abuse and Compliance Team:

- *Unusual Domain Name Registration Practices: practices such as registering hundreds of domains at a time, registering domains which are unusually long or complex or include an obvious series of numbers tied to a random word (abuse40, abuse50, abuse60) may, when considered as a whole, be indicative of abuse.*
- *Domains or IP addresses identified as members of a Fast Flux Service Network (FFSN): The Registry uses the formula developed by the University of Mannheim and tested by participants of the Fast Flux PDP WG to determine members of this list. IP addresses appearing within identified FFSN domains, as either NS or A records shall be added to this list.*

- An Unusual Number of Changes to the NS record: the use of fast-flux techniques to disguise the location of web sites or other Internet services, to avoid detection and mitigation efforts, or to host illegal activities is considered abusive in the TLD. Fast flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves. As such an unusual number of changes to the NS record may be indicative of the use of fast-flux techniques given that there is little, if any, legitimate need to change the NS record for a domain name more than a few times a month.*
- Results of WhoIs audits: The audits conducted to promote WhoIs accuracy described above are not limited to serving that purpose but may also be used to identify abusive behaviour given the strong correlation between inaccurate WhoIs data and abuse.*
- Analysis of cross-validation of registrant WhoIs data against WhoIs data known to be fraudulent.*
- Analysis of Domain Names belonging to a registrant subject to action under the Anti-Abuse Policy: in cases where action is taken against a registrant through the application of the Anti-Abuse Policy, we will also investigate other domain names by the same registrant (same name, nameserver IP address, email address, postal address etc).*

We believe our proposal is already compliant with the GAC advice and are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Documentation — Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

We are supportive of the conceptual directive and are prepared to maintain such documentation. We however caution about misinterpretation and/or misuse of such statistical data.

As proposed in our application (under #28 Abuse Prevention and Mitigation), instead of (or in addition to) providing such documents we would recommend programs to increase registrant security awareness:

4.2.2 Increasing Registrant Security Awareness

In accordance with our commitment to operating a secure and reliable TLD, we will attempt to improve registrant awareness of the threats of domain name hijacking, registrant impersonation and fraud, and emphasise the need for and responsibility of registrants to keep registration (including WhoIs) information accurate. Awareness will be raised by:

- Publishing the necessary information on the Abuse page of our registry website in the form of videos, presentations and FAQ's.*

– Developing and providing to registrants and resellers Best Common Practices that describe appropriate use and assignment of domain auth Info codes and risks of misuse when the uniqueness property of this domain name password is not preserved. The increase in awareness renders registrants less susceptible to attacks on their domain names owing to the adoption of the recommended best practices thus serving to mitigate the potential for abuse in the TLD. The clear responsibility on registrants to provide and maintain accurate registration information (including WhoIs) further serves to minimise the potential for abusive registrations in the TLD.

Appropriate statistics and documents could be developed and presented, which we believe will allow us to be compliant with the GAC advice. We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We are supportive of this advice and believe that our original proposal is already compliant with the GAC advice. Description of the mechanisms for handling complaints have been included in our response to #28 Abuse Prevention and Mitigation:

4.3.2 Abuse Reported by Third Parties

Whilst we are confident in our abilities to detect abusive behaviour in the TLD owing to our robust ongoing monitoring activities, we recognise the value of notification from third parties to identify abuse. To this end, we will incorporate notifications from the following third parties in our efforts to identify abusive behaviour:

- Industry partners through participation in industry forums which facilitate the sharing of information.*
- LEA through a single abuse point of contact (our Abuse page on the registry website, as discussed in detail below) and an expedited process (described in detail in ‘4.4 Abuse Handling’) specifically for LEA.*
- Members of the general public through a single abuse point of contact (our Abuse page on the registry website).*

...

4.3.2.2 Notification by General Public of Abuse

Abusive behaviour in the TLD may also be identified by members of the general public including but not limited to other registries, Registrars or security researchers. The steps in this notification process are summarised as follows:

- 1. We will publish contact details on the Abuse page of the registry website for the SAPOC (note that these contact details are not the same as those provided for the expedited process).*
- 2. All calls to this number will be responded to by the Service Desk on a 24/7 basis. All calls will result in the generation of a CMS ticket.*
- 3. The details of the report identifying abuse will be documented in the CMS ticket using a standard information gathering template.*
- 4. Tickets will be forwarded to the Abuse and Compliance Team, to be dealt with in accordance with '4.4 Abuse Handling'.*

...

4.3.2.2 Single Abuse Point of Contact on Website

In accordance with section 4.1 of Specification 6 of the Registry Agreement, we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all Registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, Registrars, LEA, government and quasi-governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email and mailing address as well as a primary contact for handling inquiries related to abuse in the TLD) will be provided to ICANN and published on the Abuse page of our registry website, which will also include:

- All public facing policies in relation to the TLD, including the Anti-Abuse Policy.*
- A web-based submission service for reporting inaccuracies in WhoIs information.*
- Registrant Best Practices.*
- Conditions that apply to proxy registration services and direction to the SAPOC to report domain names that violate the conditions.*

As such, the SAPOC may receive complaints regarding a range of matters including but not limited to:

- Violations of the Anti-Abuse Policy.*
- Inaccurate WhoIs information.*
- Violation of the restriction of proxy registration services to individuals.*

The SAPOC will be the primary method by which we will receive notification of abusive behaviour from third parties. It must be emphasised that the SAPOC will be the initial point of contact following which other processes will be triggered depending on the identity of the reporting organisation. Accordingly, separate processes for identifying abuse exist for reports by LEA/government and quasi-governmental agencies and members of the general public. These processes will be described in turn below.

...

4.4 Abuse Handling

Upon being made aware of abuse in the TLD, whether by ongoing monitoring activities or notification from third parties, the Abuse and Compliance Team will perform the following functions:

...

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

We are supportive of including mechanisms to suspend a domain name against abusive activities and believe we are already compliant with the GAC advice. In our proposal (under #28 Abuse Prevention and Mitigation and #29 Rights Protection Mechanisms), we have already included mechanisms to disqualify, suspend, cancel or delete domain registrations where appropriate:

#28 Abuse Prevention and Mitigation

4.2.5 Registrant Disqualification

As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.

Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.

In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any existing or new registration that uses such fraudulent NS record will be investigated.

The disqualification of 'bad actors' and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.

...

4.4.1 Preliminary Assessment and Categorisation

Each report of purported abuse will undergo an initial preliminary assessment by the Abuse and Compliance Team to determine the legitimacy of the report. This step may involve simply visiting the offending website and is intended to weed out spurious

reports, and will not involve the in-depth investigation needed to make a determination as to whether the reported behaviour is abusive.

Where the report is assessed as being legitimate, the type of activity reported will be classified as one of the types of abusive behaviour as found in the Anti-Abuse Policy by the application of the definitions provided. In order to make this classification, the Abuse and Compliance Team must establish a clear link between the activity reported and the alleged type of abusive behaviour such that addressing the reported activity will address the abusive behaviour.

While we recognise that each incident of abuse represents a unique security threat and should be mitigated accordingly, we also recognise that prompt action justified by objective criteria are key to ensuring that mitigation efforts are effective. With this in mind, we have categorised the actions that we may take in response to various types of abuse by reference to the severity and immediacy of harm. This categorisation will be applied to each validated report of abuse and actions will be taken in accordance with the table below. It must be emphasised that the actions to mitigate the identified type of abuse in the table are merely intended to provide a rough guideline and may vary upon further investigation.

Category 1

Probable Severity or Immediacy of Harm: Low

Examples of types of abusive behaviour: Spam, Malware

Mitigation steps:

- 1. Investigate*
- 2. Notify registrant*

Category 2

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control

Mitigation steps:

- 1. Suspend domain name*
- 2. Investigate*
- 3. Restore or terminate domain name*

The mitigation steps for each category will now be described:

4.4.2 Investigation – Category 1

Types of abusive behaviour that fall into this category include those that represent a low severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in the dissemination of unsolicited information or the publication of illegitimate information. While undesirable, these activities do not generally present such an immediate threat as to justify suspension of the domain name in question. We will contact the registrant to instruct that the breach of the Anti-Abuse Policy be rectified. If the Abuse and Compliance Team's investigation reveals that the severity or immediacy of harm is greater than originally anticipated, the abusive behaviour will be escalated to Category 2 and mitigated in accordance with the applicable steps. These are described below. The assessment made and actions taken will be recorded against the relevant CMS ticket.

4.4.3 Suspension – Category 2

Types of abusive behaviour that fall into this category include those that represent a medium to high severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in intrusion into other computers' networks and systems or financial gain by fraudulent means. Following notification of the existence of such behaviours, the Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. Cancellation will result if, upon further investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, the Registry will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.

Phishing is considered to be a serious violation of the Anti-Abuse Policy owing to its fraudulent exploitation of consumer vulnerabilities for the purposes of financial gain. Given the direct relationship between phishing uptime and extent of harm caused, we recognise the urgency required to execute processes that handle phish domain termination in a timely and cost effective manner. Accordingly, the Abuse and Compliance Team will prioritise all reports of phishing from brand owners, anti-phishing providers or otherwise and carry out the appropriate mitigation response within 12 hours in accordance with the SLA's in place. In addition, since a majority of phish domains are subdomains, we believe it is necessary to ensure that subdomains do not represent an unregulated domain space to which phishers are known to gravitate. Regulation of the subdomain space is achieved by holding the registrant of the parent domain liable for any actions that may occur in relation to subdomains. In reality, this means that where a subdomain determined to be used for phishing is identified, the parent domain may be suspended and possibly cancelled, thus effectively neutralising every subdomain hosted on the parent. In our RRA we will require that Registrars ensure that their Registration Agreements reflect our ability to address phish subdomains in this manner.

...

#29 Rights Protection Mechanisms

29.2.3 Other Suspension Programs

In addition to the basic dispute and suspension programs, the Abuse Prevention Mechanisms as described in #28 as well as the geographical names reservation processes described in #22, the Registry, following the footsteps of the .ASIA Registry as well, will explore appropriate suspension mechanisms and challenge processes to further improve the protection to prior rights holders.

For example, .ASIA has completed an MoU with the International Federation Against Copyrights Theft Greater China (IFACT-GC), and has explored extensively and works closely with the Anti-Phishing Working Group on possible alternative rapid suspension processes against gross copyright infringement and phishing sites. These discussions also helped inform some of the discussions that lead to the development of the URS.

Given the focus of the TLD, the Registry will also consider and explore adopting other relevant forums for domain dispute resolution. For example, the Registry may explore the adoption of relevant ccTLD dispute resolution processes or any other industry arbitration processes relevant to the use to broaden the protection of the legitimate prior rights of others in the registration of domain names in the TLD. These measures will be put in place in addition to and definitely not in replacement of the basic requirements of submitting to UDRP, URS and other ICANN policies.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

Category 1 Consumer Protection, Sensitive Strings, and Regulated Markets:

The GAC Advises the ICANN Board:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.

We are prepared to be and believe that our proposal is already compliant with this advice.

As part of our response to #28 Abuse Prevention and Mitigation, we have included provisions to ensure that registrants comply with all applicable laws:

The abusive registration and use of domain names in the TLD is not tolerated given that the inherent nature of such abuses creates security and stability issues for all participants in the Internet environment.

Definition of Abusive Behaviour:

Abusive behaviour is an action that:

– causes actual and substantial harm, or is a material predicate of such harm; or

- is illegal or illegitimate; or*
- is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.*

We have also explained the approach of ASWPC itself, which has consumer protection at heart (#18b):

As the applicant of the .spa TLD, the Asia Spa & Wellness Promotion Council (ASWPC) is itself very much involved in the positive development of the spa and wellness community. As such, the organization is also dedicated to promoting the benefits of end-users at large as well as the broader promotion of maintaining socially responsible operations.

Furthermore, in response to #18c Rules to minimize social costs and #20e Registration policies, we have outlined additional policies and mechanisms to safeguard against consumer harm:

4. Other Operating Rules Which Eliminate Or Minimise Social Costs

Abusive registrations will be prevented through having in place and enforcing a robust anti-abuse policy; this policy is described in detail in the response to Question 28. ARI, as provider of back-end registry services, has robust preventative and responsive mechanisms to address DDOS attacks, spamming, phishing, data theft, and similar nefarious activity. In addition to compliance with Trademark Clearing House (TMCH) requirements, policy will include processes to address issues involving trademark, copyright and intellectual property.

Furthermore, understanding that the string “spa” may be used in other contexts, special provisions will be put in place to ensure that such exploitations will not adversely compromise the integrity of the TLD. Further discussions about these provisions are included in #20e, #22 and #29.

5. Mandatory Guideline for Registrants

In alignment with the community-based purpose of the .spa TLD, all .spa domain registrations must abide by a set of mandatory guidelines:

...

In addition, based on the research as described above, we recognize that there is coincidental usage of the string “spa” in other contexts beyond its predominant meaning. For completeness in mitigating against abusive usage of the .spa TLD based on such coincidental usage, the Registry will put in place 3 key measures to address potential concerns:

- a. Reserved Names List
- b. Special Sunrise Considerations
- c. Claims & Notification Mechanism
(details included above under response to Annex I extracted from response to #22 in our original application)

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

We are prepared to be and believe our proposal is compliant with this advice. The Registry will specify in its Registry-Registrar Agreement (RRA) that all registrants must be notified of this requirement at the time of registration.

3. Registry operators will require 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 and recognized industry standards.

We are prepared to be and believe that our proposal is already compliant with this advice. As described in 1. above, illegal behaviour under applicable law is considered abusive activities disallowed by the registry. The Registry will have the ability to utilize the APM (Abuse Prevention & Mitigation) mechanisms to suspend, cancel, delete or otherwise take action against the domain registration.

The ASWPC is a leader in developing industry standards in the spa and wellness community:

ASWPC is the regional coordinating body for the promotion of spa and wellness centres. We assist national and regional organisations in promoting spa and wellness centres both inter- and intra-regionally to an audience of wellness tourists, health practitioners and other stakeholders.

As a promotion council, ASWPC aims to bring together the top spa and wellness centres of today and tomorrow to uphold the growth and professionalism of the spa and wellness industry through the positive power of collective and co-operative marketing.

ASWPC is closely connected to the spa and wellness centres' networks. We work hand in hand with our partners to provide educational, marketing, branding and networking opportunities to stakeholders of the spa and wellness industry. The connections are made possible through the ASWPC network that will benefit

individuals and communities around the world while fostering an environment for personal and professional development among the participants.

ASWPC embraces a multi-stakeholder approach in its work by connecting stakeholders from different spectrums:

- Governments: tourism, trade promotions, health and SME development agencies*
- Industry Associations: spa and wellness associations, export and SME associations, health and tourism associations, hotel and travel associations*
- Spas & Wellness Centers: spas and wellness centers, investors, owners, operators and managers*
- Practitioners: spa and wellness enthusiasts, therapists and practitioners*
- Media: spa, wellness, tourism, hospitality, business and lifestyle media -- broadcast, print and digital*
- Thought Leaders: industry thought leaders, subject experts and academicians*

The core objectives of ASWPC are delivered through a series of programs that address the three key pillars of the organization:

- 1. Capacity Building*
- 2. Sustaining Awareness: Collective and Co-operative Marketing*
- 3. Creating Value: Industry Standards and Feedback Mechanism*

In upholding the credos of ASWPC:

- Uphold the professionalism of the spa and wellness industry*
- Promote sustainability and respect for the environment*
- Treat all practitioners and stakeholders equitably*

ASWPC members pledge to:

- Promote and encourage the highest level of ethics within the spa and wellness industry while maintaining the highest standards of professional conduct;*
- Strive for excellence in all aspects of the spa and wellness industry by performing consistently at or above acceptable industry standards;*
- Protect the public against fraud and unfair practices, and promote all practices that bring credit and respect to the industry;*
- Provide truthful and accurate information;*
- Treat all stakeholders fairly regardless of race, religion, gender, disability, age, or national origin;*
- Accept responsibility in making decisions consistent with the safety, health and welfare of the public, and to disclose promptly factors that might endanger the public or the environment;*
- Seek, accept, and offer honest criticism to acknowledge and correct the errors, and to credit properly the contributions of others;*
- Accept responsibility in helping one another. Avoid negative competition and real/perceived conflicts of interest;*
- Adhere to all national and local laws & regulations; and not engage in unlawful activity in any country.*

GAC Advice Response Form for Applicants



We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

We are supportive of, fully prepared to be and believe our proposal is already compliant with this advice.

ASWPC is deeply involved in the spa and wellness community. Connected with over 400 licensed spas across Asia and over 2000 spa professionals participating in and attending its events, the ASWPC is committed to supporting a vibrant, self-sustaining spa and wellness industry.

In our submitted application, we have already identified the following organizations which we will look to establish a working relationship with and will invite their participation in the governance of the .SPA gTLD:

Asia Pacific Spa & Wellness Coalition, Asia (<http://www.apswc.org/>)
Spa Association of Africa (SAA), Africa (<http://www.spaassociationofafrica.com/>)
Argentina Spa Association, Argentina (<http://www.asociacionspa.org>)
Australasian Spa Association (ASPA), Australia (<http://www.aspaassociation.com.au>)
Bali Spa and Wellness Association (BSWA), Bali (<http://www.balispawellness-association.org/>)
European Spa Association, Belgium (<http://www.espa-ehv.com/>)
Brazilian Spas Association (ABC-Spas), Brazil (<http://www.abcspas.com.br>)
Bulgarian Union for Balneology and Spa Tourism (BUBSPA), Bulgaria (<http://www.bubspa.org/>)
Leading Spas of Canada, Canada (<http://www.leadingspasofcanada.com/web/>)
Ontario's Finest Spas, Canada (<http://www.ontariosfinestspas.com/>)
Premier Spas of Ontario, Canada (<http://www.ontariopremierspas.com/>)
Spas Relais Santé, Canada (<http://www.spasrelaisante.com>)
China National Spa Association, China (<http://www.chinaspaassociation.com/>)
Cyprus Spa Association, Cyprus (<http://www.cyprusspaassociation.com/>)
Association of the Spa Places of the Czech Republic, Czech Republic (<http://www.spas.cz/osdruzenien.htm>)
Estonian Spa Association, Estonia (<http://www.estonianspas.com/en>)
European Spas Association (ESPA), Europe (<http://www.espa-ehv.com>)
French Spa Association (SPA-A), France (<http://www.spa-a.com/>)
International Spa & Wellness Association (ISWA), Germany (<http://www.iswa.de/>)
German Spas Association, Germany (<http://www.deutscher-heilbaederverband.de/>)
International SPA & Wellness Association (ISWA), Germany (<http://www.iswa.de>)
Hellenic Association of Municipalities and Communities with Curative Springs and Spas, Greece (<http://www.thermalsprings.gr>)

Day Spa Association, Asian Chapter, Hong Kong
Hungarian Spa Tourism Association, Hungary
Hungarian Baths Association, Hungary (<http://www.furdoszovetseg.hu/en/>)
The Iceland Spa Association, Iceland (<http://www.visiteuropeanspas.com/iceland/>)
Indian Spa & Wellness Association (ISWA), India (<http://www.iswa.in/>)
Spa and Wellness Association of India (SWAI), India (<http://www.spaandwellnessassociation.com/>)
Spa Association of India, India (<http://spaassociationofindia.in/>)
Leading Leisure in Ireland - Spa and Wellness Skillnet, Ireland (<http://ilam.ie/>)
Japan Spa Association, Japan (<http://www.j-spa.jp/>)
Nippon Spa Association (NPO), Japan (<http://www.n-spa.org/>)
International Spa Association, Korea
Nacionalin kurort asociacija (Lithuanian Health Resorts Association), Lithuania
Association of Malaysian Spas (AMSPA), Malaysia (<http://www.amspa.org.my/>)
Spa & Wellness Association of Malaysia, Malaysia (<http://www.mawspa.org/>)
Mongolian Spa Sauna Association, Mongolia
Spa & Wellness Association of Nepal, Nepal
Spa and Wellness Association of Cebu (SWAC), Philippines (<http://www.ngkhai.net/cebu/?tag=spa-and-wellness-association-of-cebu-swac>)
Spa Association of the Philippines, Philippines (<http://www.spaassociation.com.ph/>)
Association of Polish Spa Communities, Poland (<http://www.sgurp.pl/index1.htm>)
Portuguese Spas Association, Portugal (<http://www.termasdeportugal.pt>)
Organizatia Patronala a Turismului Balnear din Romania (OPTBR / Romanian Spa Organization), Romania (<http://www.romanian-spas.ro/>)
National Guild of Spa Experts, Russia (<http://eng.russiaspas.ru/en/guild.phtml>)
Spa and Wellness International Council (SWIC), Russia (<http://www.wellness-t.lact.ru/>)
Serbian Spas and Resorts Association, Serbia (<http://www.udruzenjebanja.co.rs/index.htm>)
Spa & Wellness Association Singapore, Singapore (<http://www.spaandwellness.org/>)
Spa Association, Singapore, Singapore (<http://www.spaassociation.org.sg/members.htm>)
Asociácia slovenských kúpeov (Association of Slovakian Spas and Minerals Springs), Slovakia (<http://www.balneotherma.sk/>)
Slovenian Spa Association, Slovenia (<http://en.slovenia-terme.si/>)
South Africa Spa Association, South Africa (<http://www.saspaassociation.co.za/>)
Asociacion Nacional de Balnearios (ANBAL/Spanish National Spa Association), Spain (<http://www.balnearios.org>)
Gran Canaria Spa and Wellness Association, Spain (<http://www.grancanariawellness.com>)
Sweden SpaHotel Association, Sweden (<http://www.svenskaspahotell.se>)
L'Association des Espaces Thermaux Suisses (Swiss Thermal Spas Association), Switzerland
Taiwan Spa Association, Taiwan (<http://www.tspa.tw/index-a00.html>)
Samui Spa Association, Thailand (<http://www.samuispaassociation.com>)
Thai Lanna Spa Association, Thailand (<http://www.lannaspa.net>)

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Phuket Spa Association, Thailand (<http://www.spaphuket.org>)
Thai Spa Association (TSA), Thailand (<http://www.thaispaassociation.com/>)
Turkish Spa Association, Turkey (<http://www.spa-turkey.com/eng/default.asp>)
Ukrainian SPA Association, Ukraine (<http://www.spaua.org>)
Middle East Spa Business Group, United Arab Emirates (<http://r5.ek.aero/mespa/>)
British International Spa Association (BISA), United Kingdom
(<http://www.spaassociation.org.uk/>)
Global Hydrothermal Spa Standards Association, United Kingdom
Spa Business Association, United Kingdom
(<http://www.spabusinessassociation.co.uk/>)
Dallas Spa Association, United States
Day Spa Association, United States (<http://www.dayspaassociation.com/>)
Destination Spa Group, United States (<http://www.destinationspavacations.com>)
Green Spa Network, United States (<http://greenspanetwork.org>)
Hawaii Spa Association, United States (<http://www.hi-spa.com>)
Hydrothermal Spa Forum, United States (<http://www.hydrothermal-spa-forum.com/>)
International Medical Spa Association, United States
(<http://www.medicalspaassociation.org/>)
International SPA Association (ISPA), United States
(<http://www.experienceispa.com/>)
Las Vegas Spa Association, United States (<http://www.lvspas.com/>)
New England Spa Association, United States
(<http://www.newenglandspaassociation.com>)
New Mexico Spa Association, United States
San Diego Spa Association, United States (<http://www.sdspaassociation.org>)
Sedona Spa Association, United States (<http://www.sedonaspaassociation.com/>)
Southern California Spa Directors Association, United States
(<http://www.thespaconnect.com/>)
The Spa Association (SPAA), United States (<http://www.thespaassociation.com/>)
Washington Spa Alliance (WSPA), United States
(<http://www.washingtonspaalliance.com/>)

Furthermore, to address coincidental meaning of the term “spa” “*the Registry will proactively reach out to the Town of Spa in Belgium (<http://www.spa-info.be/>) as well as the Italian Chambers of Commerce (<http://www.infocamere.it/>) who is responsible for “Società Per Azioni” (i.e. S.p.A.) registrations*”.

In our submitted application, we have proposed a number of policies in #18c, #20e, #22, #28 and #29 to mitigate against the risks of fraudulent, and other illegal activities.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Registrants must be required by the registry operators to notify to them a single point of contact 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.

We are supportive of the conceptual direction of this advice to be able to connect with registrants in a timely fashion. At the same time, we also understand that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant.

Nevertheless, in balancing the above considerations, it is possible to setup an “Operations and Notifications Contact” (for example, this was approach was successfully implemented to address similar conditions during the original .ASIA ASCII launch), which Registrars and/or registrants may select to nominate, with default being either the Registrar contact or the Admin Contact for the registrant.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:

6. At the time of registration, the registry operator must verify and validate the registrants’ authorisations, charters, licenses and/or other related credentials for participation in that sector.

Eligibility of Registrants are verified and subject to challenge during startup phases including Sunrise and Pioneer phases as proposed in the application:

a. Sunrise Verification Process

To ensure the integrity of the process and enforcement, all Sunrise applications will be verified against the requirements (as suggested in A) above, and further detailed in the full Sunrise policies). Registrants that cannot substantiate their claims will be rejected. The verification process will also include a reconsideration and amendment process which serves as an appeal mechanism (further details in #29).

b. Sunrise Challenge Process

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All Community Sunrise applications will also be locked for a 60 day period upon it being successfully verified and registered. The Whois information along with the documentary proof provided will be publicly searchable (via the registry website). At which time, anyone can utilize the Sunrise Challenge Process to challenge the eligibility of a Sunrise application. The Sunrise Challenge Process is itself an appeal mechanism (further discussion in #29).

Furthermore, in response to #18c Rules to minimize social costs and #20e Registration policies, we have outlined additional policies and mechanisms to safeguard against consumer harm.

We plan to gradually open up the namespace for general registration while continuing requiring registrants to abide by registration policies. Pre-verification processes will be simplified gradually with increased post-registration enforcement supported by anti-abuse measures as described above and in our application #28 Abuse Prevention and Mitigation.

We are prepared to explore to include additional safeguards and moderate the pre-verification processes where appropriate in consultation with ICANN and the GAC.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

As mentioned in 4. above, we have already identified various relevant authorities, organizations and bodies to refer to for various processes, including to assess authenticity and consider appropriateness of activities for domain registrations.

We are prepared to explore to include additional safeguards and to identify and work closely with other relevant authorities where appropriate in consultation with ICANN and the GAC.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

That being said, we again emphasize that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to

connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant. Therefore, while we will proactively check compliance, in terms of enforcement, we intend to work closely with Registrars to administer corrective measures.

Furthermore, we will develop and implement processes for community, industry and/or public reporting of compliancy issues:

6. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, #20e B), as well as content and use, #20e C), of .spa domain names.

To manage the warning and suspension process, a simple webform will be established on the Registry website to receive substantiated complaints.

In addition, enforcement mechanisms have also been proposed in the application:

D) Enforcement

Besides the standard UDRP, URS, TMCH and other ICANN and contractual requirements, additional enforcement mechanisms will be put in place to ensure that the integrity and implementation of the community policies of the .spa namespace. These include:

- Sunrise Eligibility*
- Community Purpose*
- Coincidental Considerations (further discussed under #22)*

Provisions for the mandatory submission to all of these processes will be included in the Registry-Registrar Agreement (RRA), and in turn required in the registration agreement with the registrant to ensure their enforceability.

...

There are 3 levels of enforcement to ensure that registrations under the .spa TLD adhere to the community based purpose:

a. Abuse Prevention & Mitigation

Illegal activities and activities that threaten the security and stability of the Internet or the registry will be responded to utilizing the abuse prevention & mitigation (APM) processes as described in #28. All illegal and abusive activities would be considered to be against the community purpose of .spa. Illegal activities will be referred to appropriate law enforcement agencies.

b. Warning and Suspension Process

All registered .spa domain names must abide by the mandatory guidelines to ensure that .spa domain names are consistent with the community based purpose of the .spa TLD. These guidelines regulate the name selection, B), as well as content and use, C), of .spa domain names.

Description of the Warning and Suspension Process has been included in #18c 6. Warning and Suspension Process above.

This Warning and Suspension process provides an effective, efficient and definite measure for due process and takedown procedures to be taken against violators of the mandatory guidelines, which ensures that the community purpose of the .spa TLD is maintained.

c. Mandatory Administrative Proceeding

In cases where the above warning and suspension process is unable to resolve a dispute or an alleged violation of the mandatory guidelines, a complainant may initiate an administrative proceeding against a registered .spa domain. All .spa registrations will be subject to this mandatory administrative proceeding, which will be included in the RRA as well as the registrant agreement for .spa registrations.

These processes ensure safeguards and measures are in place for post-registration checks and enforcement.

We are prepared to explore to include additional safeguards and processes where appropriate in consultation with ICANN and the GAC.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Amazon EU S.à r.l.
Application ID	.AMAZON (1-1315-58086) .APP (1-1315-63009) .AUTHOR (1-1315-99563) .BOOK (1-1315-44051) .CLOUD (1-1315-79670)
Applied for TLD (string)	As displayed above

Response:

May 10, 2013
Dr. Steve Crocker, Chairman of the Board
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Amazon’s Response to the ICANN Board of Directors on the GAC Beijing Communiqué

Dear Dr. Crocker and Members of the ICANN Board of Directors,

Thank you for the opportunity to respond to the Government Advisory Committee’s (“GAC”) Beijing Communiqué (the “Communiqué”). Amazon appreciates the efforts spent by the GAC on the difficult questions in connection with the new gTLDs. We are committed to working with the GAC, ICANN, national governments, and others toward the development of the Domain Name System through the collaborative multi-stakeholder, bottom-up, consensus-driven process. The multi-stakeholder model is only successful, however, if one stakeholder is not given veto power over other voices, and involved and invested parties. We are concerned that, if implemented, the Communiqué will circumvent years of active and transparent Community development by reversing policies and implementing new requirements and definitions on applicants, registries and registrants.

Applicants relied in good faith on the rules and limitations set forth in the Applicant Guide Book (“AGB”), expending significant time, money and resources on preparing and defending their Applications based on this reliance. Changing direction at this time undoubtedly will result in delays for all applicants, and raise legal issues. Retroactive changes, based on guidance that the ICANN Community already has rejected, fundamentally undermine the multi-stakeholder model.

Although likely unintended, the Communiqué, as written, will allow the GAC to create new regulations and overturn the sovereign laws of other countries, undermining the multi-stakeholder process and giving credence to arguments in other forums that national governments should have a controlling role in Internet governance. Accordingly, we urge the Board to reject certain aspects of the Communiqué and adhere to the principles originally agreed to in the AGB by Applicants, ICANN, and the Community.

Applicants Relied on Rules Set by ICANN

The new gTLD Program has its origins in the “carefully deliberated policy development work of the ICANN Community.” (AGB, preamble.) In 2005, ICANN’s Generic Names Supporting Organization (“GNSO”) began a policy development process to consider the introduction of new gTLDs. In 2008, the ICANN Board adopted 19 specific policy recommendations for implementing new gTLDs. After approving the policy, ICANN undertook an open, inclusive, and transparent implementation process, including comment periods on nine drafts of the AGB, and numerous advisory group recommendations, to address stakeholder concerns such as the protection of intellectual property and Community interests, consumer protection, geographic protections, and DNS stability. This work involved extensive public consultations, review, and input on multiple draft versions of the AGB, including active, fully engaged consultation with the GAC. (<http://newgtlds.icann.org/en/about/program>)

Applicants relied on the AGB Provisions on Geographic Names

One of the principles originally debated by multiple stakeholders, including the GAC, the ICANN Board, and the ICANN Community, relates to the protection of geographical names. The GAC tried unsuccessfully to define, for the AGB, what constitutes a blocked “geographic string,” and the multi-stakeholder Community thoroughly discussed the issue from 2007 to 2011 in ICANN meetings, public forums, drafts of the AGB, and through numerous constituencies. After four years of discussion, the Board and Community agreed on the use of well-established internationally recognized and agreed-upon geographic designations. “The Board raised concerns that the criteria for country and territory names, as it appeared in version 2 of the Draft Applicant Guidebook was ambiguous and could cause uncertainty for applicants. The revised definition . . . continues to be based on the ISO 3166-1 standard and fulfills the Board’s requirement of providing greater clarity about what is considered a country or territory name in the context of new gTLDs.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. xi (summarizing GAC/Board communications from September 22, 2009).)

As the Board noted in one of its initial responses to the request for a broader definition than the ISO 3166-1 standard, “the capacity for an objection to be filed on Community grounds, where there is substantial opposition to an application from a Community that is targeted by the name also provides an avenue of protection for names of interest to a government which are not

defined in the Applicant Guidebook.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. ii.)

The Communiqué now backs away from more than four years of multi-stakeholder work on the geographic name issue by its new attempt to isolate strings that raise geographical issues. This action is disruptive (not only for us and our applications) because the effect is not dissimilar to that of consensus Communiqué advice but without the essential component of consensus. It is disruptive to the multi-stakeholder process as a whole – it acts as an effective veto on Community-driven policies (with the potential for far-reaching effects outside of ICANN’s realm).

The Communiqué Chips Away at the Multi-Stakeholder Model

We ask the Board to focus on several recommendations in the Communiqué that chip away at the ICANN multi-stakeholder model and, in some cases, may give individual national governments veto power over any applied-for string as well as regulatory power over private entities that governments might not have under their own laws. Specifically, the Board (1) should not delay specific applications for further considerations, (2) should not allow changes to an applied-for string and (3) should adopt implementable and reasoned Safeguard Guidance.

1. The Board should not delay specific applications for further GAC Consideration

The AGB allows the GAC to provide Communiqué advice on specific applied-for strings and safeguards for Board deliberation, stating that for a particular application not to proceed, there needs to be consensus of the GAC. (AGB 1.1.2.7.) Indeed, “to be considered by the Board during the evaluation process, the GAC Communiqué on New gTLDs must be submitted by the close of the objection filing period.” (Id.) With the exception of two strings (.africa and .gcc), however, the GAC has not provided consensus advice against any other particular strings for Board deliberation.

Although specific countries raised national sensitivities with our applications for .amazon and our Chinese and Japanese parallel applications (.アマゾン and .亚马逊), the GAC did not reach consensus advice to block any of these three applications. Instead, it asked the Board to prevent these applications from proceeding based on a need for “further consideration.” Such a request has nearly the same effect as consensus Communiqué advice. To allow “further consideration,” a new action in the process neither contemplated by the AGB nor previously debated by the Community, sets a precedent that could perpetually delay an application to the applicant’s detriment, allow for a government’s effective veto power over a particular application and/or string, and permit the uneven discrimination against vetted, established principles and process.

If the Communiqué guidance were implemented, it could require Amazon and other applicants to either abandon an application for a string that reflects its globally protected trade name and trademarks or, in the alternative, adopt a gTLD with corporate indications that do not represent the company’s brand globally (and in some cases violate local laws covering the type of corporate entity one can hold itself out as). This “hold” acts as a de facto block to strings otherwise permitted for registration by the AGB; it gives the countries the same result as if

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consensus Communiqué advice was achieved (when it was not), but without the core ingredient of actual consensus. Further, it does not foster productive negotiation between affected parties.

The GAC's attempt to hold an application because of a government's potential conflict destroys the premise of consensus entirely, which in turn significantly dilutes surety and stability in the new gTLD process. Additionally, it allows a government to supersede the trademark and free-expression rights granted by other governments and obtain global rights over applicants that the government would not otherwise possess. Thus, we request that the Board reject the GAC Communiqué on geographic names and allow the .amazon applications to proceed.

The effect of the GAC's request for "further consideration" could lead to perpetual negotiations where one party has no standing or recourse.

We have deep respect for the people, culture, and heritage of the Amazonas region, and recognize the governments' desire to protect the region internally against third parties that may cause harm in some way. Our company and the region have coexisted amicably, both regionally and globally, with no interference on regional matters or consumer confusion or harm for more than seventeen years, and we are pleased to serve countless customers in the region with our vast offerings of goods and services.

Despite our long-standing presence throughout the region, representatives from Brazil and Peru, however, issued an early warning against our .amazon gTLD application. The GAC representatives indicated initially that the only remedy for us was to abandon the application, and later stated that they would consider allowing Amazon to change our application to ".amazonincorporated" or ".amazoninc" or ".amazoncompany." At the Beijing meeting, it is our understanding that representatives from Brazil and Peru sought GAC Communiqué advice objecting to our .amazon application (and the IDN variants Amazon including .アマゾン and .亚马逊), but were unable to achieve GAC consensus. Despite their inability to achieve consensus and block the applications outright, we understand that representatives from Brazil and Peru requested (via the GAC) to implement a new and unusual remedy not previously contemplated by the AGB, asking the Board to delay our .amazon applications so the GAC could "further consider" the strings at the Durban meeting.

In the interim, none of the representatives from Brazil or Peru have implemented any of the variety of protections previously agreed through the multi-stakeholder process. For example, neither representative filed a Community objection although both countries were well aware of this option (each has been an active member of the GAC dating to 2008). Instead, a third party filed a Community objection on behalf of the region. (For completeness, we note that this same third party, acting as "Independent Objector," currently represents the Government of Peru in an ongoing case at the International Court of Justice, arguing on its behalf as recently as December 2012.)

As we stated in our gTLD applications, Amazon's mission is to be the world's most customer centric company, where people can discover anything they might want to buy online. Investing in a new gTLD for "AMAZON," our house trademark, trading name, and cornerstone of our global brand since 1995, is an essential part of this strategy. When considering the benefits of new gTLD applications in terms of communication, security, and stability, especially for an online

company like ours, we place paramount importance on protecting one of our most valuable assets – our trademark “AMAZON” – just as other leading companies protect their registered company and brand names to serve their customers. In fact, our name AMAZON is a trademark registered, along with AMAZON-formative marks such as AMAZON.COM and AMAZON and Design (collectively “AMAZON Marks”), more than 1300 times in over 149 countries world-wide. This includes registrations for AMAZON Marks in the trademark offices and in the ccTLDs of the very regions that now claim Amazon should not be allowed to use our global mark as a gTLD. (As of the date of submittal of the gTLD Applications, Reveal Day, and the deadlines for Early Objections, Objections, and GAC Communiqué, neither “Amazon,” “Amazonas,” “Amazonia,” “Amazonica,” nor any translation or short-form of any of these terms, were included in the ISO 3166-1 standard, designated on the “Separable Country Names List”, or were names by which a country is commonly known in violation of 2.2.1.4.1 of the AGB. In addition, none of these terms or translations appears as a string listed as a UNESCO region or appears on the United Nation’s “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list, and therefore does not violate 2.2.1.4.2 of the AGB. Finally, there are no known national laws that protect these terms from use or registration by third parties as of the date of this filing.)

We have attempted, and will continue to attempt, to negotiate toward a mutually beneficial solution. For instance, we corresponded with the GAC representatives from Brazil and Peru, participated in a video conference and traveled to Brasilia for direct negotiations with the Organização do Tratado de Cooperação Amazônica (“OTCA”) prior to the Beijing ICANN meeting. All of our proposed alternatives for resolution have been rejected by the GAC representatives. (We are happy to discuss in a confidential submission to the Board the proposed alternatives we have put forth.) Despite our willingness to reach a mutually agreeable solution, we should not be forced to negotiate under continual GAC “consideration,” holding up our applications to the detriment of business because the GAC was not able to reach consensus.

.YUN application

.YUN means “cloud,” in Pinyun, which is the reason we applied for the string. Representatives from the Government of the People’s Republic of China, however, note that the Yunnan Province is sometimes shortened to “Yun.” Amazon wrote to representatives from China as soon as we received the Early Warning, but due to communication issues, those representatives were unable to respond until the Beijing meeting. We welcome discussions with representatives from the Yunnan Province government and already have offered to implement safeguards to ensure that the string is not used in a manner that may cause confusion. Although we are hopeful this matter will be resolved to both parties’ satisfaction in coming months, for the same reasons discussed above for the .amazon applications, there is no basis for a GAC “hold” until resolution. We ask this Board to reject this portion of the Communiqué.

2. The Board Should Not Allow Changes to an Applicant’s String.

This issue of whether an Applicant can change its applied-for string already has been covered by the GAC, the Board, and the Community during the negotiations leading up to the final Applicant Guidebook. “It was decided early in the process development that applicants should not be able to amend applications or applied for strings in order to prevent abuse.” (ICANN Board - GAC Consultation: Geographic Names, February 21, 2011, p. 3.)

As a result, Amazon respectfully requests that the Board reject the re-opening of this already resolved debate. To do so in connection with one application would require, for purposes of fairness, re-opening any and all applications facing potential objections. Doing so would lead to additional evaluations of applications that already have been cleared, and delay the entire program.

3. The Board Should Adopt Implementable and Reasoned Safeguard Guidance for New gTLDs.

Amazon agrees that all registry operators should abide by relevant applicable laws, including those relating to consumer protection and competition, and that registry operators require in their acceptable-use policies that registrants comply with all applicable laws, particularly in relation to privacy, data collection, and child and consumer protection. We applaud the GAC for reinforcing the need to include such provisions in the Registry Agreement.

The Communiqué, however, appears to go one step beyond and requires registries and, by association, registrars and users of the Internet (through their registration agreements and use of second level domain names in the new gTLDs), to institute policies and procedures not required by law and, in some instances, which may be interpreted as being in direct opposition to national laws (for example, circumventing national laws that may grant safe harbors to neutral platforms). This process would act as a material change to the AGB and, as such, requires a full vetting by the entire ICANN Community. We also request that the Board reject this section of the Communiqué.

Additionally, the Communiqué has used a very broad brush to label a variety of strings as “sensitive strings” under a variety of subclasses. These strings, listed as non-exhaustive, could, in fact, cover all applicants. We are concerned that labeling strings as “sensitive” could subject registry operators to heightened, unintended legal standards in various jurisdictions. In addition, the “categorization” of strings appears to be arbitrary. For example, the category “intellectual property” includes the strings “.FREE,” “.FANS,” “.DISCOUNT,” and “.ONLINE”. Indeed, based on these examples, any string that represents a generic term could be identified as “intellectual property.”

Finally, the Communiqué goes further to caution that certain strings – though not specifically identifying them – should be subject to validation and verification of second-level applicants’ licenses and credentials. In addition, the Communiqué proposes that registries should obtain input from relevant regulatory bodies and/or by “industry self-regulatory bodies,” in connection with safeguards to protect those industries and their consumers. Hence, the Communiqué would give de facto “regulatory” rights to non-governmental “industry self-regulatory” bodies. Such a policy might force private entities – registries and businesses operating at the second-level –to obtain government approval over their business models. Again, this principle is not required under most national laws.

The Communiqué Guidance on Public Interest Goals isn’t Implementable.

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The Communiqué recommends that exclusive registry access for strings “representing generic terms” should serve a “public interest goal.” (GAC Communiqué, Annex I, Category 2.2) The Communiqué does not define either “public interest” or “generic terms.” Applicants and the Board have no way to comply with or implement this Communiqué; thus, the Board should not adopt this safeguard, however well-intentioned.

That said, if the Board chooses to adopt this safeguard, we note there are other “public interest goals,” including consumer protection, mitigation of abusive activities (such as through heightened security measures and checks), a process for handling complaints, and appropriate documentation on security threats. The GAC has already noted this in another part of its Communiqué on safeguards. (Annex I, Safeguards Applicable to all new gTLDs.) Indeed, these public interest goals can be met more efficiently and with greater accuracy in a space that is not operated solely for the sake of selling domain names (previously and perhaps inaccurately mislabeled as “closed” or “open-restricted”). (We direct the Board to the public comment that Amazon filed in connection with the debate on “open” v. “closed” registry models. <http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00199.html>) As a result, we request that our applications be allowed to proceed without change.

Conclusion

We are happy to address any follow-up questions or concerns from the Board.

Respectfully submitted,
Stacey King
Sr. Corporate Counsel – Amazon

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, Annex I, and Annex II of the [GAC Beijing 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	Amazon EU S.à r.l.
Application ID	.FREE (1-1316-21923) .GAME (1-1316-7998) .KIDS (1-1316-67680) .MAIL (1-1316-17384) .MAP (1-1316-5335) .MOBILE (1-1316-6133) .MOVIE (1-1316-44615) .MUSIC (1-1316-18029) .NEWS (1-1316-26110)
Applied for TLD (string)	As displayed above

Response:

May 10, 2013
Dr. Steve Crocker, Chairman of the Board
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Amazon’s Response to the ICANN Board of Directors on the GAC Beijing Communiqué

Dear Dr. Crocker and Members of the ICANN Board of Directors,

Thank you for the opportunity to respond to the Government Advisory Committee’s (“GAC”) Beijing Communiqué (the “Communiqué”). Amazon appreciates the efforts spent by the GAC on the difficult questions in connection with the new gTLDs. We are committed to working with the GAC, ICANN, national governments, and others toward the development of the Domain Name System through the collaborative multi-stakeholder, bottom-up, consensus-driven process. The multi-stakeholder model is only successful, however, if one stakeholder is not given veto power over other voices, and involved and invested parties. We are concerned that, if implemented, the Communiqué will circumvent years of active and transparent Community

development by reversing policies and implementing new requirements and definitions on applicants, registries and registrants.

Applicants relied in good faith on the rules and limitations set forth in the Applicant Guide Book (“AGB”), expending significant time, money and resources on preparing and defending their Applications based on this reliance. Changing direction at this time undoubtedly will result in delays for all applicants, and raise legal issues. Retroactive changes, based on guidance that the ICANN Community already has rejected, fundamentally undermine the multi-stakeholder model.

Although likely unintended, the Communiqué, as written, will allow the GAC to create new regulations and overturn the sovereign laws of other countries, undermining the multi-stakeholder process and giving credence to arguments in other forums that national governments should have a controlling role in Internet governance. Accordingly, we urge the Board to reject certain aspects of the Communiqué and adhere to the principles originally agreed to in the AGB by Applicants, ICANN, and the Community.

Applicants Relied on Rules Set by ICANN

The new gTLD Program has its origins in the “carefully deliberated policy development work of the ICANN Community.” (AGB, preamble.) In 2005, ICANN’s Generic Names Supporting Organization (“GNSO”) began a policy development process to consider the introduction of new gTLDs. In 2008, the ICANN Board adopted 19 specific policy recommendations for implementing new gTLDs. After approving the policy, ICANN undertook an open, inclusive, and transparent implementation process, including comment periods on nine drafts of the AGB, and numerous advisory group recommendations, to address stakeholder concerns such as the protection of intellectual property and Community interests, consumer protection, geographic protections, and DNS stability. This work involved extensive public consultations, review, and input on multiple draft versions of the AGB, including active, fully engaged consultation with the GAC. (<http://newgtlds.icann.org/en/about/program>)

Applicants relied on the AGB Provisions on Geographic Names

One of the principles originally debated by multiple stakeholders, including the GAC, the ICANN Board, and the ICANN Community, relates to the protection of geographical names. The GAC tried unsuccessfully to define, for the AGB, what constitutes a blocked “geographic string,” and the multi-stakeholder Community thoroughly discussed the issue from 2007 to 2011 in ICANN meetings, public forums, drafts of the AGB, and through numerous constituencies. After four years of discussion, the Board and Community agreed on the use of well-established internationally recognized and agreed-upon geographic designations. “The Board raised concerns that the criteria for country and territory names, as it appeared in version 2 of the Draft Applicant Guidebook was ambiguous and could cause uncertainty for applicants. The revised definition . . . continues to be based on the ISO 3166-1 standard and fulfills the Board’s requirement of providing greater clarity about what is considered a country or territory name in the context of new gTLDs.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. xi (summarizing GAC/Board communications from September 22, 2009).)

As the Board noted in one of its initial responses to the request for a broader definition than the ISO 3166-1 standard, “the capacity for an objection to be filed on Community grounds, where there is substantial opposition to an application from a Community that is targeted by the name also provides an avenue of protection for names of interest to a government which are not defined in the Applicant Guidebook.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. ii.)

The Communiqué now backs away from more than four years of multi-stakeholder work on the geographic name issue by its new attempt to isolate strings that raise geographical issues. This action is disruptive (not only for us and our applications) because the effect is not dissimilar to that of consensus Communiqué advice but without the essential component of consensus. It is disruptive to the multi-stakeholder process as a whole – it acts as an effective veto on Community-driven policies (with the potential for far-reaching effects outside of ICANN’s realm).

The Communiqué Chips Away at the Multi-Stakeholder Model

We ask the Board to focus on several recommendations in the Communiqué that chip away at the ICANN multi-stakeholder model and, in some cases, may give individual national governments veto power over any applied-for string as well as regulatory power over private entities that governments might not have under their own laws. Specifically, the Board (1) should not delay specific applications for further considerations, (2) should not allow changes to an applied-for string and (3) should adopt implementable and reasoned Safeguard Guidance.

1. The Board should not delay specific applications for further GAC Consideration

The AGB allows the GAC to provide Communiqué advice on specific applied-for strings and safeguards for Board deliberation, stating that for a particular application not to proceed, there needs to be consensus of the GAC. (AGB 1.1.2.7.) Indeed, “to be considered by the Board during the evaluation process, the GAC Communiqué on New gTLDs must be submitted by the close of the objection filing period.” (Id.) With the exception of two strings (.africa and .gcc), however, the GAC has not provided consensus advice against any other particular strings for Board deliberation.

Although specific countries raised national sensitivities with our applications for .amazon and our Chinese and Japanese parallel applications (.アマゾン and .亚马逊), the GAC did not reach consensus advice to block any of these three applications. Instead, it asked the Board to prevent these applications from proceeding based on a need for “further consideration.” Such a request has nearly the same effect as consensus Communiqué advice. To allow “further consideration,” a new action in the process neither contemplated by the AGB nor previously debated by the Community, sets a precedent that could perpetually delay an application to the applicant’s detriment, allow for a government’s effective veto power over a particular application and/or string, and permit the uneven discrimination against vetted, established principles and process.

If the Communiqué guidance were implemented, it could require Amazon and other applicants to either abandon an application for a string that reflects its globally protected trade name and trademarks or, in the alternative, adopt a gTLD with corporate indications that do not represent

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the company's brand globally (and in some cases violate local laws covering the type of corporate entity one can hold itself out as). This "hold" acts as a de facto block to strings otherwise permitted for registration by the AGB; it gives the countries the same result as if consensus Communiqué advice was achieved (when it was not), but without the core ingredient of actual consensus. Further, it does not foster productive negotiation between affected parties.

The GAC's attempt to hold an application because of a government's potential conflict destroys the premise of consensus entirely, which in turn significantly dilutes surety and stability in the new gTLD process. Additionally, it allows a government to supersede the trademark and free-expression rights granted by other governments and obtain global rights over applicants that the government would not otherwise possess. Thus, we request that the Board reject the GAC Communiqué on geographic names and allow the .amazon applications to proceed.

The effect of the GAC's request for "further consideration" could lead to perpetual negotiations where one party has no standing or recourse.

We have deep respect for the people, culture, and heritage of the Amazonas region, and recognize the governments' desire to protect the region internally against third parties that may cause harm in some way. Our company and the region have coexisted amicably, both regionally and globally, with no interference on regional matters or consumer confusion or harm for more than seventeen years, and we are pleased to serve countless customers in the region with our vast offerings of goods and services.

Despite our long-standing presence throughout the region, representatives from Brazil and Peru, however, issued an early warning against our .amazon gTLD application. The GAC representatives indicated initially that the only remedy for us was to abandon the application, and later stated that they would consider allowing Amazon to change our application to ".amazonincorporated" or ".amazoninc" or ".amazoncompany." At the Beijing meeting, it is our understanding that representatives from Brazil and Peru sought GAC Communiqué advice objecting to our .amazon application (and the IDN variants Amazon including .アマゾン and .亚马逊), but were unable to achieve GAC consensus. Despite their inability to achieve consensus and block the applications outright, we understand that representatives from Brazil and Peru requested (via the GAC) to implement a new and unusual remedy not previously contemplated by the AGB, asking the Board to delay our .amazon applications so the GAC could "further consider" the strings at the Durban meeting.

In the interim, none of the representatives from Brazil or Peru have implemented any of the variety of protections previously agreed through the multi-stakeholder process. For example, neither representative filed a Community objection although both countries were well aware of this option (each has been an active member of the GAC dating to 2008). Instead, a third party filed a Community objection on behalf of the region. (For completeness, we note that this same third party, acting as "Independent Objector," currently represents the Government of Peru in an ongoing case at the International Court of Justice, arguing on its behalf as recently as December 2012.)

As we stated in our gTLD applications, Amazon's mission is to be the world's most customer centric company, where people can discover anything they might want to buy online. Investing

in a new gTLD for “AMAZON,” our house trademark, trading name, and cornerstone of our global brand since 1995, is an essential part of this strategy. When considering the benefits of new gTLD applications in terms of communication, security, and stability, especially for an online company like ours, we place paramount importance on protecting one of our most valuable assets – our trademark “AMAZON” – just as other leading companies protect their registered company and brand names to serve their customers. In fact, our name AMAZON is a trademark registered, along with AMAZON-formative marks such as AMAZON.COM and AMAZON and Design (collectively “AMAZON Marks”), more than 1300 times in over 149 countries world-wide. This includes registrations for AMAZON Marks in the trademark offices and in the ccTLDs of the very regions that now claim Amazon should not be allowed to use our global mark as a gTLD. (As of the date of submittal of the gTLD Applications, Reveal Day, and the deadlines for Early Objections, Objections, and GAC Communiqué, neither “Amazon,” “Amazonas,” “Amazonia,” “Amazonica,” nor any translation or short-form of any of these terms, were included in the ISO 3166-1 standard, designated on the “Separable Country Names List”, or were names by which a country is commonly known in violation of 2.2.1.4.1 of the AGB. In addition, none of these terms or translations appears as a string listed as a UNESCO region or appears on the United Nation’s “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list, and therefore does not violate 2.2.1.4.2 of the AGB. Finally, there are no known national laws that protect these terms from use or registration by third parties as of the date of this filing.)

We have attempted, and will continue to attempt, to negotiate toward a mutually beneficial solution. For instance, we corresponded with the GAC representatives from Brazil and Peru, participated in a video conference and traveled to Brasilia for direct negotiations with the Organização do Tratado de Cooperação Amazônica (“OTCA”) prior to the Beijing ICANN meeting. All of our proposed alternatives for resolution have been rejected by the GAC representatives. (We are happy to discuss in a confidential submission to the Board the proposed alternatives we have put forth.) Despite our willingness to reach a mutually agreeable solution, we should not be forced to negotiate under continual GAC “consideration,” holding up our applications to the detriment of business because the GAC was not able to reach consensus.

.YUN application

.YUN means “cloud,” in Pinyin, which is the reason we applied for the string. Representatives from the Government of the People’s Republic of China, however, note that the Yunnan Province is sometimes shortened to “Yun.” Amazon wrote to representatives from China as soon as we received the Early Warning, but due to communication issues, those representatives were unable to respond until the Beijing meeting. We welcome discussions with representatives from the Yunnan Province government and already have offered to implement safeguards to ensure that the string is not used in a manner that may cause confusion. Although we are hopeful this matter will be resolved to both parties’ satisfaction in coming months, for the same reasons discussed above for the .amazon applications, there is no basis for a GAC “hold” until resolution. We ask this Board to reject this portion of the Communiqué.

2. The Board Should Not Allow Changes to an Applicant’s String.

This issue of whether an Applicant can change its applied-for string already has been covered by the GAC, the Board, and the Community during the negotiations leading up to the final

Applicant Guidebook. “It was decided early in the process development that applicants should not be able to amend applications or applied for strings in order to prevent abuse.” (ICANN Board - GAC Consultation: Geographic Names, February 21, 2011, p. 3.)

As a result, Amazon respectfully requests that the Board reject the re-opening of this already resolved debate. To do so in connection with one application would require, for purposes of fairness, re-opening any and all applications facing potential objections. Doing so would lead to additional evaluations of applications that already have been cleared, and delay the entire program.

3. The Board Should Adopt Implementable and Reasoned Safeguard Guidance for New gTLDs.

Amazon agrees that all registry operators should abide by relevant applicable laws, including those relating to consumer protection and competition, and that registry operators require in their acceptable-use policies that registrants comply with all applicable laws, particularly in relation to privacy, data collection, and child and consumer protection. We applaud the GAC for reinforcing the need to include such provisions in the Registry Agreement.

The Communiqué, however, appears to go one step beyond and requires registries and, by association, registrars and users of the Internet (through their registration agreements and use of second level domain names in the new gTLDs), to institute policies and procedures not required by law and, in some instances, which may be interpreted as being in direct opposition to national laws (for example, circumventing national laws that may grant safe harbors to neutral platforms). This process would act as a material change to the AGB and, as such, requires a full vetting by the entire ICANN Community. We also request that the Board reject this section of the Communiqué.

Additionally, the Communiqué has used a very broad brush to label a variety of strings as “sensitive strings” under a variety of subclasses. These strings, listed as non-exhaustive, could, in fact, cover all applicants. We are concerned that labeling strings as “sensitive” could subject registry operators to heightened, unintended legal standards in various jurisdictions. In addition, the “categorization” of strings appears to be arbitrary. For example, the category “intellectual property” includes the strings “.FREE,” “.FANS,” “.DISCOUNT,” and “.ONLINE”. Indeed, based on these examples, any string that represents a generic term could be identified as “intellectual property.”

Finally, the Communiqué goes further to caution that certain strings – though not specifically identifying them – should be subject to validation and verification of second-level applicants’ licenses and credentials. In addition, the Communiqué proposes that registries should obtain input from relevant regulatory bodies and/or by “industry self-regulatory bodies,” in connection with safeguards to protect those industries and their consumers. Hence, the Communiqué would give de facto “regulatory” rights to non-governmental “industry self-regulatory” bodies. Such a policy might force private entities – registries and businesses operating at the second-level –to obtain government approval over their business models. Again, this principle is not required under most national laws.

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The Communiqué Guidance on Public Interest Goals isn't Implementable.

The Communiqué recommends that exclusive registry access for strings “representing generic terms” should serve a “public interest goal.” (GAC Communiqué, Annex I, Category 2.2) The Communiqué does not define either “public interest” or “generic terms.” Applicants and the Board have no way to comply with or implement this Communiqué; thus, the Board should not adopt this safeguard, however well-intentioned.

That said, if the Board chooses to adopt this safeguard, we note there are other “public interest goals,” including consumer protection, mitigation of abusive activities (such as through heightened security measures and checks), a process for handling complaints, and appropriate documentation on security threats. The GAC has already noted this in another part of its Communiqué on safeguards. (Annex I, Safeguards Applicable to all new gTLDs.) Indeed, these public interest goals can be met more efficiently and with greater accuracy in a space that is not operated solely for the sake of selling domain names (previously and perhaps inaccurately mislabeled as “closed” or “open-restricted”). (We direct the Board to the public comment that Amazon filed in connection with the debate on “open” v. “closed” registry models. <http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00199.html>) As a result, we request that our applications be allowed to proceed without change.

Conclusion

We are happy to address any follow-up questions or concerns from the Board.

Respectfully submitted,
Stacey King
Sr. Corporate Counsel – Amazon

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Respondent:

Applicant Name	Amazon EU S.à r.l.
Application ID	.PAY (1-1317-64413) .PLAY (1-1317-97559) .SAVE (1-1317-82096) .SEARCH (1-1317-13549) .SHOW (1-1317-52877) .SHOP (1-1317-37897) .SONG (1-1317-53837) .STORE (1-1317-24947) .TUNES (1-1317-30761) .VIDEO (1-1317-52344)
Applied for TLD (string)	As displayed above

Response:

May 10, 2013
Dr. Steve Crocker, Chairman of the Board
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

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One of the principles originally debated by multiple stakeholders, including the GAC, the ICANN Board, and the ICANN Community, relates to the protection of geographical names. The GAC tried unsuccessfully to define, for the AGB, what constitutes a blocked “geographic string,” and the multi-stakeholder Community thoroughly discussed the issue from 2007 to 2011 in ICANN meetings, public forums, drafts of the AGB, and through numerous constituencies. After four years of discussion, the Board and Community agreed on the use of well-established internationally recognized and agreed-upon geographic designations. “The Board raised concerns that the criteria for country and territory names, as it appeared in version 2 of the Draft Applicant Guidebook was ambiguous and could cause uncertainty for applicants. The revised definition . . . continues to be based on the ISO 3166-1 standard and fulfills the Board’s requirement of providing greater clarity about what is considered a country or territory name in the context of new gTLDs.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. xi (summarizing GAC/Board communications from September 22, 2009).)

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Applicant Guidebook. “It was decided early in the process development that applicants should not be able to amend applications or applied for strings in order to prevent abuse.” (ICANN Board - GAC Consultation: Geographic Names, February 21, 2011, p. 3.)

As a result, Amazon respectfully requests that the Board reject the re-opening of this already resolved debate. To do so in connection with one application would require, for purposes of fairness, re-opening any and all applications facing potential objections. Doing so would lead to additional evaluations of applications that already have been cleared, and delay the entire program.

3. The Board Should Adopt Implementable and Reasoned Safeguard Guidance for New gTLDs.

Amazon agrees that all registry operators should abide by relevant applicable laws, including those relating to consumer protection and competition, and that registry operators require in their acceptable-use policies that registrants comply with all applicable laws, particularly in relation to privacy, data collection, and child and consumer protection. We applaud the GAC for reinforcing the need to include such provisions in the Registry Agreement.

The Communiqué, however, appears to go one step beyond and requires registries and, by association, registrars and users of the Internet (through their registration agreements and use of second level domain names in the new gTLDs), to institute policies and procedures not required by law and, in some instances, which may be interpreted as being in direct opposition to national laws (for example, circumventing national laws that may grant safe harbors to neutral platforms). This process would act as a material change to the AGB and, as such, requires a full vetting by the entire ICANN Community. We also request that the Board reject this section of the Communiqué.

Additionally, the Communiqué has used a very broad brush to label a variety of strings as “sensitive strings” under a variety of subclasses. These strings, listed as non-exhaustive, could, in fact, cover all applicants. We are concerned that labeling strings as “sensitive” could subject registry operators to heightened, unintended legal standards in various jurisdictions. In addition, the “categorization” of strings appears to be arbitrary. For example, the category “intellectual property” includes the strings “.FREE,” “.FANS,” “.DISCOUNT,” and “.ONLINE”. Indeed, based on these examples, any string that represents a generic term could be identified as “intellectual property.”

Finally, the Communiqué goes further to caution that certain strings – though not specifically identifying them – should be subject to validation and verification of second-level applicants’ licenses and credentials. In addition, the Communiqué proposes that registries should obtain input from relevant regulatory bodies and/or by “industry self-regulatory bodies,” in connection with safeguards to protect those industries and their consumers. Hence, the Communiqué would give de facto “regulatory” rights to non-governmental “industry self-regulatory” bodies. Such a policy might force private entities – registries and businesses operating at the second-level –to obtain government approval over their business models. Again, this principle is not required under most national laws.

GAC Advice Response Form for Applicants



The Communiqué Guidance on Public Interest Goals isn't Implementable.

The Communiqué recommends that exclusive registry access for strings “representing generic terms” should serve a “public interest goal.” (GAC Communiqué, Annex I, Category 2.2) The Communiqué does not define either “public interest” or “generic terms.” Applicants and the Board have no way to comply with or implement this Communiqué; thus, the Board should not adopt this safeguard, however well-intentioned.

That said, if the Board chooses to adopt this safeguard, we note there are other “public interest goals,” including consumer protection, mitigation of abusive activities (such as through heightened security measures and checks), a process for handling complaints, and appropriate documentation on security threats. The GAC has already noted this in another part of its Communiqué on safeguards. (Annex I, Safeguards Applicable to all new gTLDs.) Indeed, these public interest goals can be met more efficiently and with greater accuracy in a space that is not operated solely for the sake of selling domain names (previously and perhaps inaccurately mislabeled as “closed” or “open-restricted”). (We direct the Board to the public comment that Amazon filed in connection with the debate on “open” v. “closed” registry models. <http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00199.html>) As a result, we request that our applications be allowed to proceed without change.

Conclusion

We are happy to address any follow-up questions or concerns from the Board.

Respectfully submitted,
Stacey King
Sr. Corporate Counsel – Amazon

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Amazon EU S.à r.l.
Application ID	.YUN (1-1318-12524) .アマゾン [amazon] (1-1318-83995) .アマゾン [amazon] (1-1318-5591) .書籍 [book] (1-1318-52278) .クラウド [cloud] (1-1318-69604) .家電 [consumer electronics] (1-1318-54339) .ファッション [fashion] (1-1318-40887) .食品 [food] (1-1318-83264) .通販 [online shopping] (1-1318-15593) .セール [sale] (1-1318-75179) .ストア [store] (1-1318-83013)
Applied for TLD (string)	As displayed above

Response:

May 10, 2013
Dr. Steve Crocker, Chairman of the Board
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Amazon’s Response to the ICANN Board of Directors on the GAC Beijing Communiqué

Dear Dr. Crocker and Members of the ICANN Board of Directors,

Thank you for the opportunity to respond to the Government Advisory Committee’s (“GAC”) Beijing Communiqué (the “Communiqué”). Amazon appreciates the efforts spent by the GAC on the difficult questions in connection with the new gTLDs. We are committed to working with the GAC, ICANN, national governments, and others toward the development of the Domain Name System through the collaborative multi-stakeholder, bottom-up, consensus-driven

process. The multi-stakeholder model is only successful, however, if one stakeholder is not given veto power over other voices, and involved and invested parties. We are concerned that, if implemented, the Communiqué will circumvent years of active and transparent Community development by reversing policies and implementing new requirements and definitions on applicants, registries and registrants.

Applicants relied in good faith on the rules and limitations set forth in the Applicant Guide Book (“AGB”), expending significant time, money and resources on preparing and defending their Applications based on this reliance. Changing direction at this time undoubtedly will result in delays for all applicants, and raise legal issues. Retroactive changes, based on guidance that the ICANN Community already has rejected, fundamentally undermine the multi-stakeholder model.

Although likely unintended, the Communiqué, as written, will allow the GAC to create new regulations and overturn the sovereign laws of other countries, undermining the multi-stakeholder process and giving credence to arguments in other forums that national governments should have a controlling role in Internet governance. Accordingly, we urge the Board to reject certain aspects of the Communiqué and adhere to the principles originally agreed to in the AGB by Applicants, ICANN, and the Community.

Applicants Relied on Rules Set by ICANN

The new gTLD Program has its origins in the “carefully deliberated policy development work of the ICANN Community.” (AGB, preamble.) In 2005, ICANN’s Generic Names Supporting Organization (“GNSO”) began a policy development process to consider the introduction of new gTLDs. In 2008, the ICANN Board adopted 19 specific policy recommendations for implementing new gTLDs. After approving the policy, ICANN undertook an open, inclusive, and transparent implementation process, including comment periods on nine drafts of the AGB, and numerous advisory group recommendations, to address stakeholder concerns such as the protection of intellectual property and Community interests, consumer protection, geographic protections, and DNS stability. This work involved extensive public consultations, review, and input on multiple draft versions of the AGB, including active, fully engaged consultation with the GAC. (<http://newgtlds.icann.org/en/about/program>)

Applicants relied on the AGB Provisions on Geographic Names

One of the principles originally debated by multiple stakeholders, including the GAC, the ICANN Board, and the ICANN Community, relates to the protection of geographical names. The GAC tried unsuccessfully to define, for the AGB, what constitutes a blocked “geographic string,” and the multi-stakeholder Community thoroughly discussed the issue from 2007 to 2011 in ICANN meetings, public forums, drafts of the AGB, and through numerous constituencies. After four years of discussion, the Board and Community agreed on the use of well-established internationally recognized and agreed-upon geographic designations. “The Board raised concerns that the criteria for country and territory names, as it appeared in version 2 of the Draft Applicant Guidebook was ambiguous and could cause uncertainty for applicants. The revised definition . . . continues to be based on the ISO 3166-1 standard and fulfills the Board’s requirement of providing greater clarity about what is considered a country or territory name in

the context of new gTLDs.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. xi (summarizing GAC/Board communications from September 22, 2009).)

As the Board noted in one of its initial responses to the request for a broader definition than the ISO 3166-1 standard, “the capacity for an objection to be filed on Community grounds, where there is substantial opposition to an application from a Community that is targeted by the name also provides an avenue of protection for names of interest to a government which are not defined in the Applicant Guidebook.” (ICANN Board – GAC Consultation: Geographic Names, 21 February 2011, p. ii.)

The Communiqué now backs away from more than four years of multi-stakeholder work on the geographic name issue by its new attempt to isolate strings that raise geographical issues. This action is disruptive (not only for us and our applications) because the effect is not dissimilar to that of consensus Communiqué advice but without the essential component of consensus. It is disruptive to the multi-stakeholder process as a whole – it acts as an effective veto on Community-driven policies (with the potential for far-reaching effects outside of ICANN’s realm).

The Communiqué Chips Away at the Multi-Stakeholder Model

We ask the Board to focus on several recommendations in the Communiqué that chip away at the ICANN multi-stakeholder model and, in some cases, may give individual national governments veto power over any applied-for string as well as regulatory power over private entities that governments might not have under their own laws. Specifically, the Board (1) should not delay specific applications for further considerations, (2) should not allow changes to an applied-for string and (3) should adopt implementable and reasoned Safeguard Guidance.

1. The Board should not delay specific applications for further GAC Consideration

The AGB allows the GAC to provide Communiqué advice on specific applied-for strings and safeguards for Board deliberation, stating that for a particular application not to proceed, there needs to be consensus of the GAC. (AGB 1.1.2.7.) Indeed, “to be considered by the Board during the evaluation process, the GAC Communiqué on New gTLDs must be submitted by the close of the objection filing period.” (Id.) With the exception of two strings (.africa and .gcc), however, the GAC has not provided consensus advice against any other particular strings for Board deliberation.

Although specific countries raised national sensitivities with our applications for .amazon and our Chinese and Japanese parallel applications (.アマゾン and .亚马逊), the GAC did not reach consensus advice to block any of these three applications. Instead, it asked the Board to prevent these applications from proceeding based on a need for “further consideration.” Such a request has nearly the same effect as consensus Communiqué advice. To allow “further consideration,” a new action in the process neither contemplated by the AGB nor previously debated by the Community, sets a precedent that could perpetually delay an application to the applicant’s detriment, allow for a government’s effective veto power over a particular application and/or string, and permit the uneven discrimination against vetted, established principles and process.

If the Communiqué guidance were implemented, it could require Amazon and other applicants to either abandon an application for a string that reflects its globally protected trade name and trademarks or, in the alternative, adopt a gTLD with corporate indications that do not represent the company's brand globally (and in some cases violate local laws covering the type of corporate entity one can hold itself out as). This "hold" acts as a de facto block to strings otherwise permitted for registration by the AGB; it gives the countries the same result as if consensus Communiqué advice was achieved (when it was not), but without the core ingredient of actual consensus. Further, it does not foster productive negotiation between affected parties.

The GAC's attempt to hold an application because of a government's potential conflict destroys the premise of consensus entirely, which in turn significantly dilutes surety and stability in the new gTLD process. Additionally, it allows a government to supersede the trademark and free-expression rights granted by other governments and obtain global rights over applicants that the government would not otherwise possess. Thus, we request that the Board reject the GAC Communiqué on geographic names and allow the .amazon applications to proceed.

The effect of the GAC's request for "further consideration" could lead to perpetual negotiations where one party has no standing or recourse.

We have deep respect for the people, culture, and heritage of the Amazonas region, and recognize the governments' desire to protect the region internally against third parties that may cause harm in some way. Our company and the region have coexisted amicably, both regionally and globally, with no interference on regional matters or consumer confusion or harm for more than seventeen years, and we are pleased to serve countless customers in the region with our vast offerings of goods and services.

Despite our long-standing presence throughout the region, representatives from Brazil and Peru, however, issued an early warning against our .amazon gTLD application. The GAC representatives indicated initially that the only remedy for us was to abandon the application, and later stated that they would consider allowing Amazon to change our application to ".amazonincorporated" or ".amazoninc" or ".amazoncompany." At the Beijing meeting, it is our understanding that representatives from Brazil and Peru sought GAC Communiqué advice objecting to our .amazon application (and the IDN variants Amazon including .アマゾン and .亚马逊), but were unable to achieve GAC consensus. Despite their inability to achieve consensus and block the applications outright, we understand that representatives from Brazil and Peru requested (via the GAC) to implement a new and unusual remedy not previously contemplated by the AGB, asking the Board to delay our .amazon applications so the GAC could "further consider" the strings at the Durban meeting.

In the interim, none of the representatives from Brazil or Peru have implemented any of the variety of protections previously agreed through the multi-stakeholder process. For example, neither representative filed a Community objection although both countries were well aware of this option (each has been an active member of the GAC dating to 2008). Instead, a third party filed a Community objection on behalf of the region. (For completeness, we note that this same third party, acting as "Independent Objector," currently represents the Government of Peru in an ongoing case at the International Court of Justice, arguing on its behalf as recently as December 2012.)

As we stated in our gTLD applications, Amazon’s mission is to be the world’s most customer centric company, where people can discover anything they might want to buy online. Investing in a new gTLD for “AMAZON,” our house trademark, trading name, and cornerstone of our global brand since 1995, is an essential part of this strategy. When considering the benefits of new gTLD applications in terms of communication, security, and stability, especially for an online company like ours, we place paramount importance on protecting one of our most valuable assets – our trademark “AMAZON” – just as other leading companies protect their registered company and brand names to serve their customers. In fact, our name AMAZON is a trademark registered, along with AMAZON-formative marks such as AMAZON.COM and AMAZON and Design (collectively “AMAZON Marks”), more than 1300 times in over 149 countries world-wide. This includes registrations for AMAZON Marks in the trademark offices and in the ccTLDs of the very regions that now claim Amazon should not be allowed to use our global mark as a gTLD. (As of the date of submittal of the gTLD Applications, Reveal Day, and the deadlines for Early Objections, Objections, and GAC Communiqué, neither “Amazon,” “Amazonas,” “Amazonia,” “Amazonica,” nor any translation or short-form of any of these terms, were included in the ISO 3166-1 standard, designated on the “Separable Country Names List”, or were names by which a country is commonly known in violation of 2.2.1.4.1 of the AGB. In addition, none of these terms or translations appears as a string listed as a UNESCO region or appears on the United Nation’s “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list, and therefore does not violate 2.2.1.4.2 of the AGB. Finally, there are no known national laws that protect these terms from use or registration by third parties as of the date of this filing.)

We have attempted, and will continue to attempt, to negotiate toward a mutually beneficial solution. For instance, we corresponded with the GAC representatives from Brazil and Peru, participated in a video conference and traveled to Brasilia for direct negotiations with the Organização do Tratado de Cooperação Amazônica (“OTCA”) prior to the Beijing ICANN meeting. All of our proposed alternatives for resolution have been rejected by the GAC representatives. (We are happy to discuss in a confidential submission to the Board the proposed alternatives we have put forth.) Despite our willingness to reach a mutually agreeable solution, we should not be forced to negotiate under continual GAC “consideration,” holding up our applications to the detriment of business because the GAC was not able to reach consensus.

.YUN application

.YUN means “cloud,” in Pinyin, which is the reason we applied for the string. Representatives from the Government of the People’s Republic of China, however, note that the Yunnan Province is sometimes shortened to “Yun.” Amazon wrote to representatives from China as soon as we received the Early Warning, but due to communication issues, those representatives were unable to respond until the Beijing meeting. We welcome discussions with representatives from the Yunnan Province government and already have offered to implement safeguards to ensure that the string is not used in a manner that may cause confusion. Although we are hopeful this matter will be resolved to both parties’ satisfaction in coming months, for the same reasons discussed above for the .amazon applications, there is no basis for a GAC “hold” until resolution. We ask this Board to reject this portion of the Communiqué.

2. The Board Should Not Allow Changes to an Applicant’s String.

This issue of whether an Applicant can change its applied-for string already has been covered by the GAC, the Board, and the Community during the negotiations leading up to the final Applicant Guidebook. “It was decided early in the process development that applicants should not be able to amend applications or applied for strings in order to prevent abuse.” (ICANN Board - GAC Consultation: Geographic Names, February 21, 2011, p. 3.)

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GAC Advice Response Form for Applicants



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That said, if the Board chooses to adopt this safeguard, we note there are other “public interest goals,” including consumer protection, mitigation of abusive activities (such as through heightened security measures and checks), a process for handling complaints, and appropriate documentation on security threats. The GAC has already noted this in another part of its Communiqué on safeguards. (Annex I, Safeguards Applicable to all new gTLDs.) Indeed, these public interest goals can be met more efficiently and with greater accuracy in a space that is not operated solely for the sake of selling domain names (previously and perhaps inaccurately mislabeled as “closed” or “open-restricted”). (We direct the Board to the public comment that Amazon filed in connection with the debate on “open” v. “closed” registry models. <http://forum.icann.org/lists/comments-closed-generic-05feb13/msg00199.html>) As a result, we request that our applications be allowed to proceed without change.

Conclusion

We are happy to address any follow-up questions or concerns from the Board.

Respectfully submitted,
Stacey King
Sr. Corporate Counsel – Amazon

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, Annex I, and Annex II of the [GAC Beijing 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	Campus IP LLC
Application ID	1-1323-15308
Applied for TLD (string)	ANALYTICS

Response:

SAS Institute would like to affirm to the ICANN Board our commitment to operating the .ANALYTICS gTLD in a manner that reflects our longstanding history of corporate responsibility.

SAS Institute offers high-quality analytics and software solutions to more than 45,000 customer sites in 118 countries.

In line with our overarching mission, SAS plans to operate the .ANALYTICS gTLD with the aim of providing analytics and software solutions to its customers. SAS will operate .ANALYTICS as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, SAS aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee’s Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies a non-exhaustive list of generic strings seeking exclusive registry access.

While SAS’s .ANALYTICS application was not explicitly named, we hope this quells any concerns that the Board might have associated with the .ANALYTICS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding SAS’s .ANALYTICS application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	KBE gTLD Holding Inc
Application ID	1-1326-3558
Applied for TLD (string)	THEATRE

Response:

May 10, 2013

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehade, President and CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Applicant Response to GAC Advice: Key Brand Entertainment, Inc.

Dear Dr. Crocker and Mr. Chehade,

We thank the Board for the opportunity to engage in a productive dialogue regarding our new gTLD applications. In consideration of the GAC Advice issued in the GAC Beijing Communiqué (the “Advice”), we now respectfully respond to the Board. Herein, we provide a background of the Applicant, describe the objectives of our application and address the relevant specific portions of the Advice. As we outline below, the Applicant will at all times respond to and comply with all guidance and directives from ICANN and the Board. That said, there are portions of the Advice that are incomplete, vague and impractical and require additional guidance to effectuate compliance by applicants. For that reason, in response to the Advice, the Applicant respectfully requests that the Board utilize the multi-stakeholder model used in the past to address the issues raised and provide more detailed and actionable directives on these issues. Again, KBE is fully committed to working with the GAC and the Board to resolve these issues and

GAC Advice Response Form for Applicants



to respond in a meaningful way to the Board's guidance and directives with the goal of making the new gTLD effort a success for the Applicant, the GAC and the ICANN community.

Applicant Background

Key Brand Entertainment Inc. is a privately-held company in the United States, and is the sole parent entity of its wholly-owned subsidiary, KBE gTLD Holding Inc., the applicant for .theatre (collectively, "KBE" or the "Applicant"). KBE is the operator of the preeminent website for online Broadway and theater ticket sales and related services, content and information as well as one of the world's leading developers, producers, presenters and distributors of live theatre and stage shows. As owner and operator of the industry-leading broadway.com and theater.com as well as a robust portfolio of other Broadway- and theater-related domain names, KBE offers a full range of online services and features, including consumer ticketing, group sales and complete editorial coverage of Broadway presentations in New York City and over 40 other markets. Additionally, through its Broadway Across America business, KBE serves as a leading Broadway producer and presenter of first-class touring productions in more than 40 cities across the United States, Canada, the United Kingdom and Japan. Broadway Across America brings first-class touring musicals and plays to audiences in multiple and varied markets.

Application Objectives

KBE, through its broadway.com, theater.com and Broadway Across America properties, is one of the world's leading brands in the Broadway and theater industry. The reputation of these brands is well-recognized as authoritative sources for high-quality services, information and industry news. With that in mind, KBE applied for .theatre as an extension of its globally recognized broadway.com and other Broadway- and theater-related brands and intends to function as a Specification 9 exempt system whereby all second level domains ("SLDs") will be for the benefit of KBE and its affiliates pursuant to the ICANN Registry Agreement.

As stated in its application, the mission of the .theatre is:

"to provide diverse internet users an enhanced online experience while enriching society with artistic and cultural diversity through high quality content, information and authentic connected experiences centered on live theater, musicals, opera, ballet and other performing arts, Broadway, and other related concepts, topics and activities."

Further, the benefit to consumers from this brand extension and expansion of its online presence is that:

"Internet users will benefit because .theatre will provide an enhanced online experience from the existing broadway.com through its ability to build more personalized experiences for internet users seeking artistic and cultural diversity. .theatre will provide Applicant greater control over the domain as a registry operator, enabling the domain to be operated with the same exceptional values KBE has shown to users through the operation of broadway.com. Additionally, new communities can be identified and formed to connect internet users with others interested in theater and other performing arts and entertainment. Internet users will

benefit from .theatre as an extension of theater.com and broadway.com as an authoritative source of online tickets to Broadway and theater shows.”

Safeguards Applicable to all New gTLDs.

In Annex I of the Advice, the GAC identifies six safeguards that it recommends for application to all new gTLDs subject to contractual oversight: (i) WHOIS Verification and Checks, (ii) Mitigating Abusive Activity, (iii) Security Checks, (iv) Documentation, (v) Making and Handling Complaints, and (vi) Consequences.

Although KBE intends to operate closed registries, thus significantly reducing the potential for concern related to the issues addressed by the safeguards, KBE is nonetheless prepared to implement those safeguards at the appropriate time upon the ultimate determination by the Board that they are necessary for the advancement of the entire new gTLD program.

Safeguards Applicable to Strings Related to Category 1 and Category 2 New gTLDs

In Annex I of the Advice, the GAC also identifies certain safeguards it recommends for application to (i) specific strings linked to regulated or professional sectors that it has determined carry higher levels of risk associated with consumer harm (Category 1), and (ii) specific strings that it considers to be generic terms that seek exclusive registry access (Category 2). For Category 1 strings, the GAC has outlined five additional recommended safeguards for those strings related to 12 broadly defined sectors. The GAC has recommended that to advance, such strings must implement said safeguards (as outlined in points (1)-(5) on pages 8-9 of the Advice). For Category 2 strings, the GAC has identified those strings as “generic terms” seeking restricted or exclusive access and has recommended that for those applications to advance, exclusive registry access must “serve a public interest goal”.

Above all, KBE is fully committed to working with the ICANN community, its leadership and all relevant stakeholders to make the new gTLD program a success. Likewise, KBE intends to protect consumers at all costs and to move toward achieving such a “public interest goal” as deemed necessary by the GAC and, ultimately, the Board. As mentioned, KBE will at all times respond to and comply with all guidance and directives from ICANN and the Board in this regard but in order to meaningfully move toward implementation of those safeguards, the applicants must be provided with more detailed advice on these issues in general and how the Advice will impact their strings specifically in order to make the implementation of those safeguards actionable.

First, the current Advice provided by the GAC is not actionable at this time. It is overly broad, vague and practically impossible to implement. There are no stated mechanisms or procedures that enable applicants to incorporate the Advice into their action plans. The language and concepts used to articulate the Category 1 safeguards and utilized in the operative terms of the Category 2 strings (specifically, to “serve a public interest goal”) with regard to closed generics has not been defined, interpreted or commented on in a meaningful way that would allow applicants to implement or comply with such Advice. KBE is more than willing to comply with any GAC and Board directives but compliance with them must be feasible. In the event that the GAC further clarifies the specific guidance and the implementation process KBE will respond and act accordingly.

Second, the Advice is inconsistent with the rules, policies and procedures contained in the Applicant Guidebook (“AGB”) and the open multi-stakeholder process that created it. The AGB embodied the rules for application for new gTLDs and the iterative process of the AGB was documented along the way. The final AGB published prior to the application window closing did not differentiate between open versus closed business models or mention “closed generics”. In fact, the debate leading up to the final version of the AGB, one which included extensive input from the ICANN community including GAC constituents, contemplated the validity of different registry and business models (e.g. sponsored, open, community, etc.) as well as the idea of restricting and even disallowing “closed generics”. Ultimately, the GNSO and the Board decided against creating such distinctions with the understanding that the business model and operation of the gTLD would be determined by the applicant. As long as the application passed evaluation pursuant to the AGB criteria and complied with the Registry Agreement, the business model and operating rules of that gTLD (including whether the applied-for string was to be “open” or “closed”) were to be determined by the applicant. That version of the AGB, as the governing body’s authoritative guidance, was relied on by all applicants in deciding to submit their applications and invest in the new gTLD program. At this time, there is no basis for revisiting such debate and doing so now only undermines the legitimacy of the multi-stakeholder rulemaking process that ICANN has always supported. KBE relied in good faith on the process and the authoritative guidance and information available to it at the time of application. KBE and all applicants have made significant investments and taken positions in reliance on that guidance and information, which if changed retroactively would negatively impact the new gTLD program, its applicants and ICANN.

Third, the Advice does not provide any remediation or resolution measures for applicants in the event that they are unable to comply with said Advice. As mentioned above, this circumstance was not addressed in the AGB and there is no guidance on how a Category 2 applicant that cannot “serve the public interest” can remediate or resolve their application. Given the costs associated with remediation of the application and operating a remediated registry, applicants must be provided with guidance on this issue in order to plan accordingly. Again, KBE intends to fully comply with any directives of the Board on this issue but there have been none to date. Once clarity has been provided from the Board, KBE will act accordingly.

Lastly, KBE feels it necessary to respond to the GAC’s reference to .theatre as a closed generic that should “serve a public interest goal”. There are constant challenges that KBE and other legitimate industry participants face as operators of online content and sales properties and that the general public faces as consumers of their content and services. The most difficult of these is competition with unlicensed and unauthorized ticket sellers who impersonate legitimate third parties (e.g. shows, venues, actors, etc.) and by leveraging their goodwill drive traffic away from legitimate sources. These unscrupulous actors impersonate intellectual property rights holders and mislead the public and their actions are extremely damaging to the shows and venues, legitimate ticket resellers, the theater industry, and ultimately (and most importantly) the public as a whole. The problem is pervasive not only in the United States but globally. Policing it is increasingly difficult given the sophistication of infringers, counterfeiters and scalpers. The lack of enforcement of existing laws globally is complicated by the sheer number of shows, venues and other theater-affiliated stakeholders, all of whom are targets of infringers and counterfeiters. This practice is rampant in the theater industry and undermines and infringes upon the trademark and other intellectual property rights of legitimate constituents of the

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theater industry. Through its gTLDs, KBE seeks to serve the public interest by protecting intellectual property rights holders, the industry, and, most importantly, the general public from this predatory behavior.

Conclusion

We cannot emphasize enough that KBE is fully prepared to comply with all directives from the Board related to these issues. That said, no applicant can move forward without additional input from the GAC and the Board on these issues.

We now respectfully request that the Board provide clarification, additional guidance and/or actionable directives on: (i) the ultimate determination that the safeguards articulated in the Advice are necessary for the advancement of the entire new gTLD program, (ii) how such safeguards will be applicable and enforceable to all applicants in a fair, reasonable and actionable way; and (iii) the process by which such safeguards and their applications will be implemented, remediated and/or enforced from an administrative and operational perspective.

In the event of any continuing concerns or your need for a formal dialogue with us, we would welcome a further discussion.

Thank you for your time and consideration on this matter and we look forward to and hope for meaningful progress on these issues.

Sincerely,

Matt Kupchin
Co-CEO, Interactive Division

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	KBE gTLD Holding Inc
Application ID	1-1326-20526
Applied for TLD (string)	BROADWAY

Response:

May 10, 2013

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehade, President and CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Applicant Response to GAC Advice: Key Brand Entertainment, Inc.

Dear Dr. Crocker and Mr. Chehade,

We thank the Board for the opportunity to engage in a productive dialogue regarding our new gTLD applications. In consideration of the GAC Advice issued in the GAC Beijing Communiqué (the “Advice”), we now respectfully respond to the Board. Herein, we provide a background of the Applicant, describe the objectives of our application and address the relevant specific portions of the Advice. As we outline below, the Applicant will at all times respond to and comply with all guidance and directives from ICANN and the Board. That said, there are portions of the Advice that are incomplete, vague and impractical and require additional guidance to effectuate compliance by applicants. For that reason, in response to the Advice, the Applicant respectfully requests that the Board utilize the multi-stakeholder model used in the past to address the issues raised and provide more detailed and actionable directives on these issues. Again, KBE is fully committed to working with the GAC and the Board to resolve these issues and to respond in a meaningful way to the Board’s guidance and directives with the goal of making the new gTLD effort a success for the Applicant, the GAC and the ICANN community.

Applicant Background

Key Brand Entertainment Inc. is a privately-held company in the United States, and is the sole parent entity of its wholly-owned subsidiary, KBE gTLD Holding Inc., the applicant for .broadway (collectively, “KBE” or the “Applicant”). KBE is the operator of the preeminent website for online Broadway and theater ticket sales and related services, content and information as well as one of the world’s leading developers, producers, presenters and distributors of live theatre and stage shows. As owner and operator of the industry-leading [broadway.com](#) and [theater.com](#) as well as a robust portfolio of other Broadway- and theater-related domain names, KBE offers a full range of online services and features, including consumer ticketing, group sales and complete editorial coverage of Broadway presentations in New York City and over 40 other markets. Additionally, through its Broadway Across America business, KBE serves as a leading Broadway producer and presenter of first-class touring productions in more than 40 cities across the United States, Canada, the United Kingdom and Japan. Broadway Across America brings first-class touring musicals and plays to audiences in multiple and varied markets.

Application Objectives

KBE, through its [broadway.com](#), [theater.com](#) and Broadway Across America properties, is one of the world’s leading brands in the Broadway and theater industry. The reputation of these brands is well-recognized as authoritative sources for high-quality services, information and industry news. With that in mind, KBE applied for .broadway as an extension of its globally recognized [broadway.com](#) and other Broadway- and theater-related brands and intends to function as a Specification 9 exempt system whereby all second level domains (“SLDs”) will be for the benefit of KBE and its affiliates pursuant to the ICANN Registry Agreement.

As stated in its application, the mission of the .broadway is:

“to provide diverse internet users an enhanced online experience while enriching society with artistic and cultural diversity through high quality content, information and authentic connected experiences centered on live theater, musicals, opera, ballet and other performing arts, Broadway, and other related concepts, topics and activities.”

Further, the benefit to consumers from this brand extension and expansion of its online presence is that:

“Internet users will benefit because .broadway will provide an enhanced online experience from the existing [broadway.com](#) through its ability to build more personalized experiences for internet users seeking artistic and cultural diversity. .broadway will provide Applicant greater control over the domain as a registry operator, enabling the domain to be operated with the same exceptional values KBE has shown to users through the operation of [broadway.com](#). Additionally, new communities can be identified and formed to connect internet users with others interested in theater and other performing arts and entertainment. Internet users will benefit from .broadway as an extension of [theater.com](#) and [broadway.com](#) as an authoritative source of online tickets to Broadway and theater shows.”

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Safeguards Applicable to all New gTLDs.

In Annex I of the Advice, the GAC identifies six safeguards that it recommends for application to all new gTLDs subject to contractual oversight: (i) WHOIS Verification and Checks, (ii) Mitigating Abusive Activity, (iii) Security Checks, (iv) Documentation, (v) Making and Handling Complaints, and (vi) Consequences.

Although KBE intends to operate closed registries, thus significantly reducing the potential for concern related to the issues addressed by the safeguards, KBE is nonetheless prepared to implement those safeguards at the appropriate time upon the ultimate determination by the Board that they are necessary for the advancement of the entire new gTLD program.

Safeguards Applicable to Strings Related to Category 1 New gTLDs

In Annex I of the Advice, the GAC also identifies certain safeguards it recommends for application to specific strings linked to regulated or professional sectors that it has determined carry higher levels of risk associated with consumer harm (Category 1). For Category 1 strings, the GAC has outlined five additional recommended safeguards for those strings related to 12 broadly defined sectors. The GAC has recommended that to advance, such strings must implement said safeguards (as outlined in points (1)-(5) on pages 8-9 of the Advice).

Above all, KBE is fully committed to working with the ICANN community, its leadership and all relevant stakeholders to make the new gTLD program a success. KBE intends to protect consumers at all costs as deemed necessary by the GAC and, ultimately, the Board. As mentioned, KBE will at all times respond to and comply with all guidance and directives from ICANN and the Board in this regard but in order to meaningfully move toward implementation of those safeguards, the applicants must be provided with more detailed advice on these issues in general and how the Advice will impact their strings specifically in order to make the implementation of those safeguards actionable.

First, the current Advice provided by the GAC is not actionable at this time. It is overly broad, vague and practically impossible to implement. There are no stated mechanisms or procedures that enable applicants to incorporate the Advice into their action plans. The language and concepts used to articulate the Category 1 safeguards have not been defined, interpreted or commented on in a meaningful way that would allow applicants to implement or comply with such Advice. KBE is more than willing to comply with any GAC and Board directives but compliance with them must be feasible. In the event that the GAC further clarifies the specific guidance and the implementation process KBE will respond and act accordingly.

Further, the Advice does not provide any remediation or resolution measures for applicants in the event that they are unable to comply with said Advice. This circumstance was not addressed in the Applicant Guidebook, the authoritative guidance on new gTLD application and acquisition, and there is no guidance on how a Category 1 applicant that cannot meet the outlined criteria can remediate or resolve their application. Given the costs associated with remediation of the application and operating a remediated registry, applicants must be provided with guidance on this issue in order to plan accordingly. Again, KBE intends to fully comply with any directives of the Board on this issue but there have been none to date. Once clarity has been provided from the Board, KBE will act accordingly.

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Conclusion

We cannot emphasize enough that KBE is fully prepared to comply with all directives from the Board related to these issues. That said, no applicant can move forward without additional input from the GAC and the Board on these issues.

We now respectfully request that the Board provide clarification, additional guidance and/or actionable directives on: (i) the ultimate determination that the safeguards articulated in the Advice are necessary for the advancement of the entire new gTLD program, (ii) how such safeguards will be applicable and enforceable to all applicants in a fair, reasonable and actionable way; and (iii) the process by which such safeguards and their applications will be implemented, remediated and/or enforced from an administrative and operational perspective.

In the event of any continuing concerns or your need for a formal dialogue with us, we would welcome a further discussion.

Thank you for your time and consideration on this matter and we look forward to and hope for meaningful progress on these issues.

Sincerely,
Matt Kupchin
Co-CEO, Interactive Division

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, Annex I, and Annex II of the [GAC Beijing 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	Lifestyle Domain Holdings, Inc.
Application ID	1-1326-50608
Applied for TLD (string)	.FOOD

Response:

Thank you for the opportunity to provide further information regarding our application for the .food gTLD. Scripps Networks Interactive, Inc. is a publicly-traded company in the United States, and is the parent entity of its solely-owned subsidiary Lifestyle Domain Holdings, LLC, the applicant for .food (collectively “Scripps”). Scripps is one of the world’s leading developers of lifestyle-oriented content for many media platforms, including television, digital, mobile and publishing. Scripps’ portfolio includes some of the most popular and famous media brands in the world, including Food Network, Food.com, HGTV, Travel Channel, Cooking Channel and DIY Network. Scripps has applied for numerous gTLDs related to its brands, including its famous FOOD brand.

The .food Application

Scripps has applied for .FOOD as a brand extension of its famous global brands FOOD, FOOD NETWORK and FOOD.COM. As stated in our application, the mission of .FOOD is to provide diverse internet users an enhanced online experience through high quality programming, content, information and authentic connected experiences centered on cuisine, cooking, recipes, restaurants, home life, entertaining, and other related concepts, topics and activities. The reputation of Scripps’ family of lifestyle brands is well-recognized as a single source for high quality entertainment, instruction, information, education and tips and tools to better enjoy life, make improvements inside and out of the home, cook, eat, travel and enjoy new experiences in an ever-increasing connected world. As result of the quality of content and level of service provided to its customers is highly regarded as the single most trusted source for lifestyle-related educational entertainment for generally and more specifically for cooking, cuisine and meal-related activities more specifically.

Internet users will benefit from the .FOOD TLD because it will provide an enhanced online experience connected to the existing family of Scripps’ lifestyle-branded .coms through the

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ability to build more personalized experiences for Internet users and provide greater control over its second level domains as a registry operator.

Maintaining distribution and content control over the top level domain is critical to ensure that the same high quality, integrity and authenticity of experience is delivered to internet users under Scripps' famous FOOD, FOOD NETWORK and FOOD.COM brands. Opening the top level domain would mean that anyone could register a domain for a small annual amount of money and exploit, confuse and infringe upon the brand equity and goodwill of the famous FOOD, FOOD NETWORK and FOOD.COM brands established by Scripps through a time period of more than twenty years and hundreds of millions of dollars in investment. This not only harms and misleads consumers, but is contrary to the global laws and policies that seek to protect both consumers and the investment made by brands in developing goodwill associated with its products and services. In this instance, as defined in more detail below, Scripps' FOOD brands are used in connection with programming, content and instruction relating to cuisine and the culinary arts provided on-line and via television networks. Accordingly, allowance of a .FOOD top level domain that is not owned and operated by Scripps in relation to its famous FOOD, FOOD NETWORK and FOOD.COM brands would directly infringe upon Scripps' trademark rights as recognized in multiple jurisdictions across the globe.

We have provided support below of Scripps' global trademark rights and evidence of the consumer connection between Scripps and its famous brands FOOD, FOOD NETWORK, and FOOD.COM. Furthermore, we have provided a policy recommendation with regard to brands that fairly balances the need to provide all internet users fair access to the internet with the need to protect brands and that supports the public policy associated with protecting and recognizing brands for developing good will, as well as following the spirit and tenets of the Application Guide Book (AGB) on which these applications were founded.

Public Interest in Scripps Operating .Food

While Scripps respectfully understands the GAC concerns, set out in the Communiqué following ICANN 46, to provide for equal access to the Internet, we urge you to consider an alternative policy for brands (using what could be considered generic terms) that have established global registrations and proof of a consumer connection between a brand name and associated products and services. We also urge you to consider the public interest that may be served in following the AGB as originally set out, that allows brands to provide a more secure and authentic experience in a closed top-level domain.

We believe that in weighing the balance of interests, the Board must consider that while a generic term is generic in one context, if applied to certain products or services and/or used extensively as a trademark, it may be afforded trademark protection in jurisdictions around the globe.

Consider for a moment the following trademarks and brand TLD applications: Live, Delta, Apple, A Family Company, Blockbuster, Frontier, Guardian, Jaguar, Juniper, Northwestern, Observer, Virgin, Yellow Pages. Each of these comprise terms which have acquired secondary meaning and distinctiveness as a brand and yet could also be considered a generic term in a different context. Additionally, there are many other famous brand trademarks such as American Airlines, Best Buy, World Market or Frosted Flakes which acquired secondary meaning and have

been recognized as famous incontestable brands. The GNSO Intellectual Property Constituency agrees with this position. In their public comments provided on 15 March, 2013, they stated “Those categories that do NOT raise the potential concerns that gave rise to this request for comments are (a) “closed” gTLDs that identically match the applicant’s trademark for the same or related goods or services to be provided in connection with the proposed TLD – regardless of whether or not those TLDs are also ordinary dictionary terms.” They further state: “In determining whether a TLD qualifies as a “.brand,” the criteria should exactly match the criteria for inclusion and Sunrise eligibility in ICANN’s Trademark Clearinghouse. Such requirements include proof of use, and either a national or regional trademark registration; a trademark validated through a court of law; or a trademark protected by statute or treaty.” See Attached Annex One. In this instance, FOOD is a registered trademark of Scripps in multiple jurisdictions and is being used for the exact context and scope of goods and services for which that trademark was registered.

Additionally, it would be confusing, harmful to brand owners, and contrary to basic principles of fairness and equity for the GAC and the Board are to single out certain brands as closed generics and not others. While we acknowledge that brand rights of these terms may give a brand control over that top level domain, the greater good as a policy should be considered. It is also important to consider that there is no restriction in applying for these terms under a .com or under a .cc, and the lack of such a restriction has not curbed competition, innovation or consumer access to information. As clearly stated in the public comments provided by Amazon on 7 March, 2013, “Because the new gTLDs raise no more competition concerns than do registrations in .com or .us, ICANN should not allow a belated claims of competitive impact to derail this years-long process.” See Attached Annex Two.

Ultimately, we understand you must address the policy question: “why should you allow a brand to proceed as a closed brand if it could also be considered a generic term?” The answer is clear: (i) to support a global trademark system that recognizes consumer goodwill associated with a brand and intends to avoid confusion or misleading consumers; (ii) to acknowledge and respect the investment made by brand owners in that goodwill, integrity and brand equity, (iii) because consumers will likely have a better experience with the brand if there is an authentic top-level (i.e. who is better situated to ensure authentic, safe and secure environment), (iv) because there is still a wide open landscape of other open top level domains to provide for consumer choice without infringing on a famous global brand (i.e. in this instance .restaurants, .pizza, .cafe, .bar, .coffee, .cooking, .kitchen, .eat, .health, .recipes, .fish, .wine, .pub, . or any of the other 900+ new open generic terms to launch, and (v) because new opportunities will be created to apply for other related products in future rounds of gTLDs. Ultimately, the question is: are you creating a better internet environment by opening this domain to anyone, including bad actors, or is honoring a global brand furthering the goals of the gTLD program?

Accordingly, we recommend that the Board consider a policy for brands which have developed secondary meaning in an otherwise generic or descriptive term, a policy which affords owners the ability to protect their brands and consumers through operation of a closed TLD, so long as the brand owner has sufficiently provided evidence of: (i) a valid trademark in more than one jurisdiction, (ii) supporting evidence of consumer connection to the brand, and (iii) longstanding use of the brand and substantial investment in building brand loyalty and equity. This proposed approach would further trademark law and policy by protecting consumers from confusion

caused by top level domains open to anyone and by acknowledging the goodwill and integrity companies have built through substantial investment in their brands. Additionally, in support of this position, the final AGB contemplated such applications and permitted brands to invest in new top-level closed domains, a process in which all GACs and the Board participated. To now change the rules after substantial time and investment has been made would be inherently unfair and would be contrary to long-standing global trademark law and policy. In fact, in the GNSO meeting held 14 February 2013, this exact issue was discussed with regard to “closed generics”. Pursuant to the transcript, Councilor Jeff Neuman, stated that the GNSO had discussed this exact issue and had agreed that there would be no opposition if, for instance, Kraft Foods had applied for .food. While the Board must consider the fair access to the internet and create a fair and equal balance of power, the purpose of the expansion was to create more consumer choice, as well as foster innovation by brands to utilize the internet in more meaningful ways to connect with consumers. If the brand is offering further assurances to protect internet users and provide an authentic and trusted source for content, information and experiences related to its brand name, then the Board should permit such brands to proceed, as doing so fosters the goals of the expansion.

As rightly noted in the Amazon public comment response on the issue of closed generics, the frequently asked questions about the gTLD application process supported this very idea: “9.3 If I want register a gTLD solely for my own use, for example, solely for use by my company, partners, consultants, shareholders, auditors, etc., can I limit the issuance of second level domains to those individuals? Can I refuse to accept applications for second level domains from members of the public in general?”

Yes. The applicant is responsible for setting the business model and policy for how they will use their gTLD, so long as the registry is in compliance with the terms of the registry agreement.” See Attached Annex Two.

Internet users benefit more by these brands operating top level domains to create more trusted experiences. Left open to the wild west of typosquatters, and cyberquatters or fraudulent users, internet users will be harmed rather than helped. Additionally, the vast new opportunities on the internet create substantial opportunities which will not be limited by allowing brands to proceed.

Trademark Rights in the Famous Brand FOOD

In further support of our statements and positions above, we have provided a brief overview of our global trademark rights below:

- Trademark rights are held by Scripps in the mark “FOOD” for “entertainment services, namely, an on-going audio and visual program distributed over television, satellite, wireless, audio and video media, fiber optics, cable, and a global computer network in the fields of cooking and culinary arts, health, fitness, and nutrition.” The mark has been registered on the Principal Register in the United States as Trademark Registration No. 4,049,665 since 01 November 2011.
- Trademark rights held by Scripps in the mark “FOOD” for “providing information via a global computer information network in the fields of cooking and culinary arts.” The mark has

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been registered on the Principal Register in the United States as Trademark Registration No. 3,658,544 since 21 July 2009.

- Trademark rights held by Scripps in the mark “FOOD” for “entertainment services in the nature of ongoing television programs in the field of cooking and culinary arts, health, fitness and nutrition; production and distribution of television programs.” The mark has been registered on the Principal Register in the United States as Trademark Registration No. 3,658,543 since 21 July 2009.

- Trademark rights held by Scripps in the mark “FOOD” for “cable television broadcasting services.” The mark has been registered on the Principal Register in the United States as Trademark Registration No. 3,658,542 since 21 July 2009.

- Scripps also holds other marks on variants of FOOD, including “FOOD.COM” and “FOOD NETWORK,” among others. These marks are registered in seventy-five (75) or more countries around the world for more than twenty years. A complete description of the FOOD and FOOD-related portfolio of marks held by Scripps is provided and attached.

We offer the following supporting positions for our trademark rights and consumer connection with FOOD to the famous FOOD, FOOD NETWORK, and FOOD.COM brands.

1. Scripps’ acquisition and use of rights in the FOOD mark(s) has been bona fide as evidenced by the fact that those marks have been registered in more than seventy-five jurisdictions, in many instances for more than twenty years, in identifiable and legitimate classes of goods and services that have consistently been associated with the FOOD brand including, but not limited to, television broadcasting and entertainment services, online entertainment and information services, sweepstakes and contests, and other related goods and services.

2. In addition to the specific registration evidence as bona fide use, Scripps has been operating its famous television network under the brands FOOD and FOOD NETWORK for twenty years, and its television programming is currently watched in over 150 countries around the world, including 24 hour networks in the U.S., Great Britain, Asia, India and Africa. Consumer research has ranked Scripps’ Food Network (which is branded on-air as “FOOD,”) as the #1 favorite ad-supported cable channel in the United States, and international distribution of Scripps’ FOOD programming continues to grow at a fast pace given the worldwide popularity of its content. Scripps’ FOOD branded programming is enjoyed by almost 100 million television subscribers in the United States alone, and tens of millions more individuals throughout the world. Scripps’ foodnetwork.com website averages over 225 million visitors each month, and Scripps’ FOOD brand is the #1 brand relating to cooking and the culinary arts in social media with over 5 million collective fans and growing. Scripps expends approximately \$30 million per year marketing its FOOD and FOOD NETWORK branded shows and products, and Scripps’ programming is often the subject of considerable attention from other branches of media, including coverage in leading newspapers, magazines and radio and television talk shows. Further, Scripps’ FOOD brand represents more than eight hundred million dollars (USD \$800,000,000) in annual revenue.

3. In addition to Scripps’ famous television network, Scripps has been operating a well-known website featuring recipes and information on cuisine and meal planning under the brand

FOOD.COM since 2010. That website currently enjoys over 20 million visitors each month, and the brand has a rapidly-growing social media following of over 300,000 fans.

4. Scripps' FOOD and FOOD-variant brands have developed unique and distinctive meaning as the one authentic source for high quality, trusted programming, instruction, advice, products and services relating to cuisine and the culinary arts. Internet users and consumers around the world regularly rely upon the goodwill and reputation associated with Scripps' FOOD brands in seeking out culinary content and advice. If the .FOOD gTLD were to be available to another party to resell second string domains to the general public on an unrestricted basis, it would irreparably damage the goodwill associated with Scripps' FOOD and FOOD variant brands and the products and services provided by Scripps by eroding consumer confidence in the brand as an authoritative source of information, programming, content and advice, and would ultimately confuse and mislead consumers into believing that the content, information and/or products in the .FOOD top level domain is provided by Scripps. Internet users and consumers will not only be confused, but harmed as a result of such confusion.

5. FOOD is commonly known by consumers as the famous FOOD brand as a source indicator to Scripps Networks high quality programming and content. In addition to the viewership and social media metrics already cited, as further evidence of the consumer connection between the FOOD marks and Scripps, it is telling that the first organic search result from popular web searches for "food" is Scripps' website.

6. If .FOOD were to be open to second string domains, the millions of consumers with known source identification to FOOD will be confused and potentially harmed. Whereas, Scripps' intended use of the top level domain is to provide internet users and consumers a safe, authentic environment to find content about cooking, cooking instruction, food preparation, entertaining and lifestyle related content associated with meals, with the security of knowing it is associated and connected with the famous FOOD brand. The goodwill associated with that famous FOOD brand is based upon more than twenty years of global operations and substantial investment in building that brand loyalty. Global trademark policies support protecting the investment made to acquire that goodwill and recognize the secondary meaning that is derived when that investment is made. In support of the above, we have attached a list of the Food Trademarks. More evidence and support can be provided if needed for your review of this matter.

In summary, the public will not be harmed and, in fact, will benefit from Scripps operating the top level domain .FOOD, as allowing Scripps to do so would: (i) demonstrate ICANN's support of a global trademark system that recognizes consumer goodwill associated with brands and avoids consumer confusion; (ii) recognize companies that invest in the goodwill, integrity and loyalty associated with their brands; and (iii) provide consumers a better experience as an authentic source indicator rather than misleading into a safe and unsecure environment open to anyone. In addition, Scripps should be allowed to proceed with its application to operate .FOOD as a closed system given that: (x) there is still a wide open landscape of other top level domains available in the 900+ generics that will go live in the next year and are open systems; (y) new opportunities will be available in future rounds to apply for food related top level domains; and (z) the AGB contemplated such closed brand domains and this is changing that policy at a late date in the process, penalizing brands who invested in the future of the Internet.

GAC Advice Response Form for Applicants



Additionally, we fully understand the safeguards requested in the GAC Communiqué under Annex 1 regarding contractual oversight. We believe our application currently supports such safeguards, but remain open to providing any further contractual commitments to meet such concerns.

We thank you for your consideration of these matters and invite further discussion with you regarding the importance of allowing our application to proceed as intended for the benefit of internet users around the globe.

Comments of the GNSO Intellectual Property Constituency (IPC)
“Closed Generic” gTLD Applications
15 March, 2013

<http://www.icann.org/en/news/public-comment/closed-generic-05feb13-en.htm>

INTRODUCTION

A dramatic expansion of the Internet domain name space has been planned for many years through various iterations of the New gTLD Applicant Guidebook and is now imminent, with many hundreds of applications for new generic top level domains (gTLDs) pending. A substantial number of applications involve applied-for names that appear “generic” with “closed” registration policies¹. The purpose of this comment is to consider these issues to the extent relevant and possible within established legal frameworks that are generally acceptable under international principles of law.

When ICANN announced its plan to increase the number of gTLDs available in the Domain Name System (DNS), one of its stated goals was to enhance competition and choice.² Consistent with the rules as established for introducing new gTLDs by ICANN through its New gTLD Applicant Guidebook (the “Guidebook”), many applicants filed applications for top-level domains for common industry terms with the stated goal of controlling the domains as “closed” registries.

The IPC is pleased to provide the following comments on this important issue³.

A. What is a “Generic” string?

The IPC recommends that in determining whether a TLD is considered “generic” there must be an initial analysis of whether the applied-for TLD is a word that is a genus of a quality, feature, function, or characteristic of the stated mission and purpose of the applied-for TLD in its answer to question 18(a). We recognize that this analysis is not a bright line analysis and there are several nuances to the relatively straight-forward test set forth above.⁴ For instance, a word that has been used on a wide range of different types of products or services that are not within the same species may be less likely to be considered generic. *See 2 J. Thomas McCarthy, McCarthy*

¹ See Discussion *infra* regarding “what is a ‘generic’ string?”

² See, <http://newgtlds.icann.org/en/about/program>

³ IPC President Kristina Rosette did not participate in the discussions or the drafting of this comment. IPC member Intellectual Property Institute of Canada also wishes to be on record as abstaining on this topic.

⁴ Compare, for instance, the holding of *In re Reed Elsevier Properties Inc.*, 482 F.3d 1376, 82 USPQ2d 1378 (Fed. Cir. 2007) (LAWYERS.COM generic for “providing an online interactive database featuring information exchange in the fields of law, legal news and legal services”) with *In re Steelbuilding com*, 415 F.3d 1293, 75 USPQ2d 1420 (Fed. Cir. 2005) (STEELBUILDING.COM not generic for “computerized on line retail services in the field of pre-engineered metal buildings and roofing systems”).

on Trademarks and Unfair Competition § 12:23 (4th ed. 2009). Moreover, a proper analysis requires an in-depth factual investigation of the relevant public's understanding of the alleged generic term.⁵

Additionally, the weight given to the analysis will depend upon the intended purpose of the TLD. When the generic term describes the class, certain courts have found such use to be descriptive rather than generic. *In re Waverly Inc.*, 27 U.S.P.Q.2d at 1623. In *In re Waverly Inc.* the Board found that the mark MEDICINE was not generic for medical journals, but rather descriptive. *Id.* In reaching this decision, the Board noted that “[c]ourts have been reluctant to find a magazine title generic, perhaps in part because the magazines in such cases were not literally the class title designated but were *about* that class.” *Id.* at 1622 (quoting *CES Publishing Corp. v. St. Regis Publications, Inc.*, 531 F.2d 11, 188 U.S.P.Q. 612, 615 (2d Cir. 1975) (emphasis in original)). The Board in *In re Waverly Inc.* considered the competing interests of allowing magazine subscribers to more easily locate publications (by tolerating greater suggestiveness in magazine titles), enabling subscribers to differentiate among publications in the same field (by allowing registration of publication names whenever appropriate), while still protecting competition among publications (by forbidding registration of marks that would foreclose competition). *Id.* at 1623. As a result, it is possible that an applied-for closed TLD with a purpose to provide information on that genus may be considered non-generic.

B. Two categories of applications for gTLDs do not present the concerns that gave rise to this request for public comment.

Traditional principles of trademark law provide a foundation for distinguishing among categories of gTLDs, and identifying whether any categories may require further review. It is necessary to distinguish between those categories of new gTLDs that are *prima facie* consistent with traditional legal principles and other categories of applications. Those categories that do NOT raise the potential concerns that gave rise to this request for comments are: (a) “closed” gTLDs that identically match the applicant’s trademark for the same or related goods or services to be provided in connection with the proposed TLD - regardless of whether or not those TLDs are also ordinary dictionary terms (i.e. “.brand”); and (b) “closed” or “restricted” TLDs⁶ that consist of terms used by communities or associations and will be used by members of the community or association (whether the term is owned by an association or eligibility is limited to members of the category described by the term—e.g. banks in .bank or charities in .charity).

⁵ In the U.S., the Trademark Manual of Examining Procedure and relevant case law require substantial proof of examples of use of the generic term clearly used by both the applicant or competitors to refer to a genus or class of the products or services. TMEP § 1215.05 (citing *In re DNI Holdings Ltd.*, 77 U.S.P.Q.2d 1435 (TTAB 2005).

⁶ While IPC’s comments do not propose a definition of “closed”, we stress that “closed” and “restricted” are not synonymous terms and should not be treated as such.

As evident above, not every dictionary term is of relevance because the majority of applications that seek to employ “closed” registration policies are for terms which, when viewed as trademarks, do not hinder competition, because they are not generic with respect to the goods and/or services sold in connection with those terms. For this reason, we again strongly encourage ICANN to recognize a specific “.brand” category of TLDs for which the registry would presumptively be able to set the policy requirements for second-level registrations. ICANN has repeatedly referenced “.brand” TLDs on its website and in its program materials dating back to its first announcement of new gTLDs in 2008.⁷

Such a category could conceivably form a replacement to the single-registrant-single-user exception from the Registry Operator Code of Conduct, an exception that was designed, at least in part, for the “.brand” registry - but was drafted more broadly, in a way that allowed “closed generic” registries to claim an exemption from the Code of Conduct. In determining whether a TLD qualifies as a “.brand”, the criteria should exactly match the criteria for inclusion and Sunrise eligibility in ICANN’s Trademark Clearinghouse. Such requirements include proof of use, and either a national or regional trademark registration; a trademark validated through a court of law; or a trademark protected by statute or treaty.

An additional group of applications appear to involve terms controlled by communities or associations where protection is again consistent with the traditional legal framework.

Similarly, a registry for a “generic” term that incorporates eligibility requirements relevant to the meaning of the term itself (for example, a .pomegranate registry limited to pomegranate growers) is permissible and would not fall under the definition of “closed generics”. This might be particularly appropriate in regulated industries (for example, a .bank registry limited to chartered banks or a .charity registry limited to bona fide charities in good standing), or in sectors where there are particular sensitivities to fraud, counterfeiting, IP infringement, and other consumer-abusive behaviors.

C. Concluding Observations

The IPC notes that some of its members have submitted public comments through their respective IP Organizations, companies or law firms or as individuals. We refer ICANN staff to these submissions for additional input and consideration on this complex topic.

The IPC believes that any decision by ICANN on this issue must be categorically without prejudice to determinations by national trademark offices and courts with respect to (i) the concept of a prohibition of generic terms as trademarks, and (ii) their evaluation of domain names (whether at the top, second, or other level) as trademarks.

⁷ See ICANN New gTLD Program materials (slide 7) at: <http://archive.icann.org/en/topics/new-gtlds/basics-new-extensions-21jul11-en.pdf>

Finally, the IPC reiterates its request for ICANN to disclose any third-party analysis or independent research commissioned by ICANN in association with this public comment topic.

Thank you for considering our views on these important issues. The IPC looks forward to participating in any policy-development or implementation steps taken by ICANN in connection with so-called “closed generics” as well as the post-delegation review of new gTLDs, and their impact on consumer trust, choice, and competition.

Respectfully submitted,

Steve Metalitz, IPC Vice President



March 7, 2013

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehadé, President & CEO
Mr. John Jeffrey, General Counsel
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Public Comment on "Open" v. "Closed" Registry Models

Dear Dr. Crocker, Mr. Chehadé, and Mr. Jeffrey,

Thank you for the opportunity to participate in ICANN's request for public comments on the subject of whether or not ICANN should retroactively limit certain "closed" generic top level domain ("gTLD") strings. We would like to address three issues. First, applicants relied on the rules set by ICANN in the Applicant Guidebook. Second, ICANN should not disfavor specific business models over others. Finally, ICANN should allow applicants to innovate and develop new opportunities through expansion of gTLDs.

Amazon is committed to working with ICANN, national governments and others toward the development of the Domain Name System ("DNS"). We believe that the original intentions behind this expansion – to innovate and create choice and change in the DNS – will benefit not only those who take part directly in the process, but, more importantly, consumers and businesses globally.

Amazon

Amazon's vision is to be earth's most customer centric company; a place where people can come to find and discover anything they might want to buy online. We fully support ICANN's goal of promoting innovation and competition through the expansion of the gTLD space.

An important factor behind Amazon's applications for new gTLDs is to find new and innovative ways, mechanisms, and platforms to surprise and delight our customers.¹

¹ Amazon serves four primary customer sets: consumers, sellers, enterprises and content creators. We serve consumers through our retail websites and focus on selection, price and convenience. We offer programs that enable sellers to sell their products on our websites and their own branded websites and to fulfill orders through us. We serve developers and enterprises of all sizes through Amazon Web Services (AWS), which provides access to technology infrastructure that enables virtually any type of business. Amazon serves authors and independent publishers with Kindle Direct Publishing, an online platform that lets independent authors and publishers choose a 70% royalty option and make their books available in the Kindle Store. Amazon's own publishing arm, Amazon Publishing, offers authors another outlet to publish their books. Amazon also serves authors, musicians, film makers

Innovation is one of the core drivers behind ICANN's opening of the gTLDs. Amazon intends to bring this same philosophy and focus to its new gTLDs.

Applicants Relied on Rules Set by ICANN

The new gTLD Program has its origins in the "carefully deliberated policy development work of the ICANN community."² In 2005, ICANN's Generic Names Supporting Organization ("GNSO") began a policy development process to consider the introduction of new gTLDs. In 2008, the ICANN Board adopted 19 specific policy recommendations for implementing new gTLDs. After approving the policy, ICANN undertook an open, inclusive, and transparent implementation process to address stakeholder concerns, such as the protection of intellectual property and community interests, consumer protection, and DNS stability. This work included public consultations, review, and input on multiple draft versions of the Applicant Guidebook ("AGB").³

In June 2011, ICANN's Board of Directors approved the Applicant Guidebook and authorized the launch of the new gTLD Program. The Program's goals include enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs.⁴

During the development of the Applicant Guidebook, the question of what types of business models should be allowed, including "open", "sponsored", "closed", "brand", and "community" applications were discussed and debated in various fora. In the end, the only differentiation the ICANN community chose to recognize in the Applicant Guidebook is the need to recognize specific "community" applications. All other business models for operating a domain – "open", "sponsored", "closed", and "brand" – fall under the scope of a standard application which, according to the Applicant Guidebook can be used for "any purpose consistent with the requirements of the application and evaluation criteria," and "may or may not employ eligibility or use restrictions."⁵ Ultimately, the choice of business model is left to the applicant.⁶

and other content creators through CreateSpace, which provides on-demand publishing and manufacturing for independent content creators, publishers, film studios, and music labels.

² AGB, Preamble.

³ <http://newgtlds.icann.org/en/about/program> The AGB was developed after five drafts, extensive input by the IRT, GNSO, ALAC and GAC, and nine separate public comment periods. <http://newgtlds.icann.org/en/about/historical-documentation>

⁴ <http://newgtlds.icann.org/en/about/program>

⁵ AGB, 1-27. During the summer of 2011, ICANN released an instructional video for organizations considering whether or not to apply for a new gTLD. The video states:

"If your organization runs its own TLD, your organization sets the rules. You can make your own TLD as inclusive or exclusive as you want. For example, you can sell second level domain registrations at a price you choose. Or you could decide not to sell them at all. Maybe you issue them only to your employees. You could offer specialized security services. Or perhaps you want all the web addresses in your TLD to work with your native alphabet. It is up to you."

Years of deliberations went into developing the rules guiding the new gTLD Program, and over 1900 applications were submitted based on the Applicant Guidebook, but some are now calling for significant and retroactive changes to the rules. These calls for change have only occurred, however, after it became clear who applied and for what strings. We do not think it is appropriate to retroactively change rules that have been debated and discussed for more than four years.⁷

Applicants relied in good faith on the rules and limitations set forth in the Applicant Guidebook. Applicants have expended significant time, money and resources on preparing and defending their Applications based on this reliance. Changing direction at this time will undoubtedly result in delays for all applicants, and a loss of confidence in the process itself.

ICANN Should Not Disfavor Specific Business Models Over Others

Under the current rules, ICANN evaluates an applicant's "proposed registry services for any possible adverse impact on security or stability."⁸ A number of independent experts and groups assist in the evaluation of applications and registry services as they relate to security and stability, including String Similarity, DNS Stability, Geographic Names, Technical Evaluation, Financial Evaluation, and Registry Services Technical Evaluation Panels.⁹ None of the panels is tasked with reviewing the purpose or business model of the registry.

Those that want to prohibit only certain "closed" gTLDs based on an assumed understanding of business models must recognize that such a policy would require ICANN to make judgments on difficult and unsettled issues. This raises a number of questions.

Who would make the determination that a term is "generic" and in what language? Who would determine what is "closed"; whether something is actually a trademark or used as a generic term; or whether using just a portion of a trademark in a string would be "generic" use or "brand" use?¹⁰ Does use of a term in its generic sense override use of a term as a trademark if there are

Overview: Get Ready for the Next Big Thing, ICANNnews Channel
<http://www.youtube.com/watch?v=AybZsS3NmFo> (starting at 1:52). The video separately discusses community, IDN, government and brand gTLDs.

⁶ From the New Generic Top Level Domains, Frequently Asked Questions. See Appendix.

⁷ Should the ICANN Board want to seriously consider a prohibition on certain business models, any such change would be a material change of the Applicant Guidebook and must go through the appropriate policy development process. In any event, such changes if approved through appropriate channels should only apply to applicants in future rounds. The current AGB lists certain strings that are designated ineligible for delegation. "Future application rounds may differ according to consideration of policy advice." AGB, 2-10.

⁸ AGB, 2-24.

⁹ AGB, 2-29-30.

¹⁰ Granting an applicant the right to run a registry with a string that reflects a generic term does not in and of itself grant trademark rights or something akin to trademark rights. Such rights arise from use of a mark in a certain way and are subject to national laws. Some critics have suggested that granting these rights will result in "additional IP rights." It is not for the ICANN community to determine whether a use of a term is use sufficient to evidence rights

competing interests? What happens to a trademark that becomes generic through use? What about generic terms that have several meanings? If ICANN starts acting as the gate keeper of business models for the top level, why would it not also be subject to proscribing similar rules in the second level?

ICANN should avoid making any changes based on assumptions about applicant business models and stay focused on its core mission – the security and stability of the Internet – and the timely launch of all new gTLD strings.

ICANN Should Allow Innovation to Develop

Recently, concerns have been raised about whether allowing gTLDs could potentially affect competition and consumer choice. ICANN has a long and successful history with “sponsored” domains such as “.mil”, “.gov”, “.museum”, “.coop”, and, more recently, “.cat” allowing users and providers to be confident that the websites and services operating in those gTLDs are in compliance with the rules established for that domain.

The use of generic terms in the second level have traditionally been allowed by ICANN without question over competition issues. Why should a company be able to own “widget.com” and not “.widget”? In the second level, third parties can still register alternative names in alternative spaces. Currently .com may be considered more “valuable” space, but that does not create a competition issue for the owner of the generic second level domain. Similarly, ownership of a “closed” or “sponsored” top level domain does not preclude an entity from registering a second level domain in an alternative space nor does it preclude an applicant from applying for alternative top level domain strings in future rounds.¹¹ Because the new gTLDs raise no more competition concerns than do registrations in .com or .us, ICANN should not allow belated claims of competitive impact to derail this years-long process.

Amazon does not understand how the allocation or use of a gTLD or an SLD could have an impact on competition in a relevant market segment. There is no evidence that past “closed” domains have led to any market power. Any impact would occur through the ultimate actual use, and not allocation and use of the name *per se* (or else all registry/registrar activities, including in “open” spaces, are anti-competitive by nature). ICANN must wait until each gTLD is in use, and then relevant competition authorities -- which have significant experience and robust procedures and tools addressing issues like market definition and the competitive impact of innovative technologies -- can measure actual behavior against relevant competition laws. Therefore, we urge ICANN to leave competition issues to the appropriate authorities enforcing the laws of their respective jurisdictions.

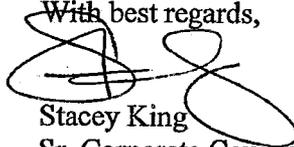
as a trademark, just as it is not for the ICANN community to determine whether future use of a potential business model is anti-competitive. These are determinations that must be left to the appropriate national legal authorities.

¹¹ To take this to another level, certain companies offer paid registrations in a third-level subdomain, operating their second level as a “registry”. The new gTLDs create no more competition issues than do these second-level registries.

Conclusion

Amazon supports ICANN's goal of opening the top-level to allow for competition and innovation that will benefit Internet users across the world, and controls will still apply for responsible companies.¹² We recognize that the relevant national laws apply to all participants in the DNS process throughout the lifecycle – ICANN, current and future registries, or registrars - and do not believe there is any justification for retroactively changing the rules based on conjecture. We look forward to developing the new gTLDs in innovative ways that will benefit users across the world as we continue to work with ICANN, governments, and the greater Internet community.

With best regards,



Stacey King
Sr. Corporate Counsel, Amazon

¹² "One of the reasons ICANN is opening the top-level space is to allow for competition and innovation in the marketplace. ICANN recognizes that business models may evolve as the market matures." Excerpt from Questions and Answers, <http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en>.

Appendix

“9.3 If I want to register a gTLD solely for my own use, for example, solely for use by my company, partners, consultants, shareholders, auditors, etc., can I limit the issuance of second level domains to those individuals? Can I refuse to accept applications for second level domains from members of the public in general?”

Yes. The applicant is responsible for setting the business model and policy for how they will use their gTLD, so long as the registry is in compliance with the terms of the registry agreement.

9.4 If I want to register a gTLD solely to promote my own brand and undertake my own marketing plans, can I refuse applications for second level domains from my competitors? Can I also refuse applications for second level domains from individuals who appear to be cybersquatters or scammers?”

Yes. The applicant is responsible for setting the business model and policy for how they will use their gTLD, so long as the registry is in compliance with the terms of the registry agreement.

....

9.6 Will applications be categorized as “sponsored” or “unsponsored” in this New gTLD application round?

No, applications will not be categorized as “sponsored” or “unsponsored” in this new gTLD application round. ICANN carried out 2 previous new gTLD application rounds. Sponsored and unsponsored TLDs were part of these 2 previous programs. These distinctions are not relevant to the New gTLD program. Under the New gTLD program, a community-based designation can be made on any application. Please refer to section 1.2.3 of the Applicant Guidebook for more information on community-based designation. “

[Http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en](http://newgtlds.icann.org/en/applicants/customer-service/faqs/faqs-en) (visited February 27, 2013).

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	KBE gTLD Holding Inc
Application ID	1-1326-97308
Applied for TLD (string)	THEATER

Response:

May 10, 2013

Dr. Steve Crocker, Chairman of the Board
Mr. Fadi Chehade, President and CEO
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536

Re: Applicant Response to GAC Advice: Key Brand Entertainment, Inc.

Dear Dr. Crocker and Mr. Chehade,

We thank the Board for the opportunity to engage in a productive dialogue regarding our new gTLD applications. In consideration of the GAC Advice issued in the GAC Beijing Communiqué (the “Advice”), we now respectfully respond to the Board. Herein, we provide a background of the Applicant, describe the objectives of our application and address the relevant specific portions of the Advice. As we outline below, the Applicant will at all times respond to and comply with all guidance and directives from ICANN and the Board. That said, there are portions of the Advice that are incomplete, vague and impractical and require additional guidance to effectuate compliance by applicants. For that reason, in response to the Advice, the Applicant respectfully requests that the Board utilize the multi-stakeholder model used in the past to address the issues raised and provide more detailed and actionable directives on these issues. Again, KBE is fully committed to working with the GAC and the Board to resolve these issues and

GAC Advice Response Form for Applicants



to respond in a meaningful way to the Board's guidance and directives with the goal of making the new gTLD effort a success for the Applicant, the GAC and the ICANN community.

Applicant Background

Key Brand Entertainment Inc. is a privately-held company in the United States, and is the sole parent entity of its wholly-owned subsidiary, KBE gTLD Holding Inc., the applicant for .theater (collectively, "KBE" or the "Applicant"). KBE is the operator of the preeminent website for online Broadway and theater ticket sales and related services, content and information as well as one of the world's leading developers, producers, presenters and distributors of live theatre and stage shows. As owner and operator of the industry-leading broadway.com and theater.com as well as a robust portfolio of other Broadway- and theater-related domain names, KBE offers a full range of online services and features, including consumer ticketing, group sales and complete editorial coverage of Broadway presentations in New York City and over 40 other markets. Additionally, through its Broadway Across America business, KBE serves as a leading Broadway producer and presenter of first-class touring productions in more than 40 cities across the United States, Canada, the United Kingdom and Japan. Broadway Across America brings first-class touring musicals and plays to audiences in multiple and varied markets.

Application Objectives

KBE, through its broadway.com, theater.com and Broadway Across America properties, is one of the world's leading brands in the Broadway and theater industry. The reputation of these brands is well-recognized as authoritative sources for high-quality services, information and industry news. With that in mind, KBE applied for .theater as an extension of its globally recognized broadway.com and other Broadway- and theater-related brands and intends to function as a Specification 9 exempt system whereby all second level domains ("SLDs") will be for the benefit of KBE and its affiliates pursuant to the ICANN Registry Agreement.

As stated in its application, the mission of the .theater is:

"to provide diverse internet users an enhanced online experience while enriching society with artistic and cultural diversity through high quality content, information and authentic connected experiences centered on live theater, musicals, opera, ballet and other performing arts, Broadway, and other related concepts, topics and activities."

Further, the benefit to consumers from this brand extension and expansion of its online presence is that:

"Internet users will benefit because .theater will provide an enhanced online experience from the existing broadway.com through its ability to build more personalized experiences for internet users seeking artistic and cultural diversity. .theater will provide Applicant greater control over the domain as a registry operator, enabling the domain to be operated with the same exceptional values KBE has shown to users through the operation of broadway.com. Additionally, new communities can be identified and formed to connect internet users with others interested in theater and other performing arts and entertainment. Internet users will

benefit from .theater as an extension of theater.com and Broadway.com as an authoritative source of online tickets to Broadway and theater shows.”

Safeguards Applicable to all New gTLDs

In Annex I of the Advice, the GAC identifies six safeguards that it recommends for application to all new gTLDs subject to contractual oversight: (i) WHOIS Verification and Checks, (ii) Mitigating Abusive Activity, (iii) Security Checks, (iv) Documentation, (v) Making and Handling Complaints, and (vi) Consequences.

Although KBE intends to operate closed registries, thus significantly reducing the potential for concern related to the issues addressed by the safeguards, KBE is nonetheless prepared to implement those safeguards at the appropriate time upon the ultimate determination by the Board that they are necessary for the advancement of the entire new gTLD program.

Safeguards Applicable to Strings Related to Category 1 and Category 2 New gTLDs

In Annex I of the Advice, the GAC also identifies certain safeguards it recommends for application to (i) specific strings linked to regulated or professional sectors that it has determined carry higher levels of risk associated with consumer harm (Category 1), and (ii) specific strings that it considers to be generic terms that seek exclusive registry access (Category 2). For Category 1 strings, the GAC has outlined five additional recommended safeguards for those strings related to 12 broadly defined sectors. The GAC has recommended that to advance, such strings must implement said safeguards (as outlined in points (1)-(5) on pages 8-9 of the Advice). For Category 2 strings, the GAC has identified those strings as “generic terms” seeking restricted or exclusive access and has recommended that for those applications to advance, exclusive registry access must “serve a public interest goal”.

Above all, KBE is fully committed to working with the ICANN community, its leadership and all relevant stakeholders to make the new gTLD program a success. Likewise, KBE intends to protect consumers at all costs and to move toward achieving such a “public interest goal” as deemed necessary by the GAC and, ultimately, the Board. As mentioned, KBE will at all times respond to and comply with all guidance and directives from ICANN and the Board in this regard but in order to meaningfully move toward implementation of those safeguards, the applicants must be provided with more detailed advice on these issues in general and how the Advice will impact their strings specifically in order to make the implementation of those safeguards actionable.

First, the current Advice provided by the GAC is not actionable at this time. It is overly broad, vague and practically impossible to implement. There are no stated mechanisms or procedures that enable applicants to incorporate the Advice into their action plans. The language and concepts used to articulate the Category 1 safeguards and utilized in the operative terms of the Category 2 strings (specifically, to “serve a public interest goal”) with regard to closed generics has not been defined, interpreted or commented on in a meaningful way that would allow applicants to implement or comply with such Advice. KBE is more than willing to comply with any GAC and Board directives but compliance with them must be feasible. In the event that the GAC further clarifies the specific guidance and the implementation process KBE will respond and act accordingly.

Second, the Advice is inconsistent with the rules, policies and procedures contained in the Applicant Guidebook (“AGB”) and the open multi-stakeholder process that created it. The AGB embodied the rules for application for new gTLDs and the iterative process of the AGB was documented along the way. The final AGB published prior to the application window closing did not differentiate between open versus closed business models or mention “closed generics”. In fact, the debate leading up to the final version of the AGB, one which included extensive input from the ICANN community including GAC constituents, contemplated the validity of different registry and business models (e.g. sponsored, open, community, etc.) as well as the idea of restricting and even disallowing “closed generics”. Ultimately, the GNSO and the Board decided against creating such distinctions with the understanding that the business model and operation of the gTLD would be determined by the applicant. As long as the application passed evaluation pursuant to the AGB criteria and complied with the Registry Agreement, the business model and operating rules of that gTLD (including whether the applied-for string was to be “open” or “closed”) were to be determined by the applicant. That version of the AGB, as the governing body’s authoritative guidance, was relied on by all applicants in deciding to submit their applications and invest in the new gTLD program. At this time, there is no basis for revisiting such debate and doing so now only undermines the legitimacy of the multi-stakeholder rulemaking process that ICANN has always supported. KBE relied in good faith on the process and the authoritative guidance and information available to it at the time of application. KBE and all applicants have made significant investments and taken positions in reliance on that guidance and information, which if changed retroactively would negatively impact the new gTLD program, its applicants and ICANN.

Third, the Advice does not provide any remediation or resolution measures for applicants in the event that they are unable to comply with said Advice. As mentioned above, this circumstance was not addressed in the AGB and there is no guidance on how a Category 2 applicant that cannot “serve the public interest” can remediate or resolve their application. Given the costs associated with remediation of the application and operating a remediated registry, applicants must be provided with guidance on this issue in order to plan accordingly. Again, KBE intends to fully comply with any directives of the Board on this issue but there have been none to date. Once clarity has been provided from the Board, KBE will act accordingly.

Lastly, KBE feels it necessary to respond to the GAC’s reference to .theater as a closed generic that should “serve a public interest goal”. There are constant challenges that KBE and other legitimate industry participants face as operators of online content and sales properties and that the general public faces as consumers of their content and services. The most difficult of these is competition with unlicensed and unauthorized ticket sellers who impersonate legitimate third parties (e.g. shows, venues, actors, etc.) and by leveraging their goodwill drive traffic away from legitimate sources. These unscrupulous actors impersonate intellectual property rights holders and mislead the public and their actions are extremely damaging to the shows and venues, legitimate ticket resellers, the theater industry, and ultimately (and most importantly) the public as a whole. The problem is pervasive not only in the United States but globally. Policing it is increasingly difficult given the sophistication of infringers, counterfeiters and scalpers. The lack of enforcement of existing laws globally is complicated by the sheer number of shows, venues and other theater-affiliated stakeholders, all of whom are targets of infringers and counterfeiters. This practice is rampant in the theater industry and undermines and infringes upon the trademark and other intellectual property rights of legitimate constituents of the

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theater industry. Through its gTLDs, KBE seeks to serve the public interest by protecting intellectual property rights holders, the industry, and, most importantly, the general public from this predatory behavior.

Conclusion

We cannot emphasize enough that KBE is fully prepared to comply with all directives from the Board related to these issues. That said, no applicant can move forward without additional input from the GAC and the Board on these issues.

We now respectfully request that the Board provide clarification, additional guidance and/or actionable directives on: (i) the ultimate determination that the safeguards articulated in the Advice are necessary for the advancement of the entire new gTLD program, (ii) how such safeguards will be applicable and enforceable to all applicants in a fair, reasonable and actionable way; and (iii) the process by which such safeguards and their applications will be implemented, remediated and/or enforced from an administrative and operational perspective.

In the event of any continuing concerns or your need for a formal dialogue with us, we would welcome a further discussion.

Thank you for your time and consideration on this matter and we look forward to and hope for meaningful progress on these issues.

Sincerely,

Matt Kupchin
Co-CEO, Interactive Division

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Open Universities Australia PTY Limited
Application ID	1-1327-45933
Applied for TLD (string)	.courses

Response:

We appreciate the opportunity to provide the ICANN Board of Directors with our response to the Governmental Advisory Committee (GAC) Advice articulated in the GAC Beijing Communiqué ("Communiqué"). In the Communiqué one of our applied-for new gTLD strings <.courses>, was identified by the GAC in its "Safeguard Advice" in Annex 1 as a Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLD.

We are concerned by the GAC's position that "...strings representing generic terms, exclusive registry access should serve a public interest goal." We are concerned for three (3) specific reasons:

1. The GAC is adding de facto application requirements for New gTLD applications that may adversely affect an applicant's ability to secure and fully utilize the gTLD for the purpose they intended. Applicants, such as Open Universities Australia PTY Limited, reasonably relied on and made a decision to apply for a gTLD, like in our case .courses, based on the requirements outlined in the ICANN New gTLD Applicant Guidebook ("AGB"). Prior to launch of the New gTLD Application Window in January 2012, the AGB had gone through several years of extensive community policy debate and revision, in which the GAC was privy and actively took part. The time to add the requirement that a string representing a generic word should serve a public interest goal would have been during those policy discussions and not now; more than a year after applicants committed resources (time/money/staff) and built business plans and strategies for which their applied for new gTLD, such as .course in our case, is a critical component. Addition of such criteria at this late stage is not only unfair, but also significantly undermines the ICANN bottom-up, multi-stakeholder, consensus policy development process.

2. The determination of whether a string serves a "public interest goal" is subjective and lacks universal meaning and determination criteria, which will result in inconsistent determinations and repeated conflict among private and public stakeholders. While we believe operating

.courses utilizing a closed registry model where only Open Universities PTY Limited and its affiliates can utilize second-level names to provide authorized, secure and accurate content, classes and offerings of Open Universities PTY Limited and its affiliates will serve the "public interest", other 3rd parties, like a individual government agency, may feel the restricted access to the TLD is contra to the "public interest" in their country, territory or region. Who will make the final determination as to this designation? What criteria will be used and how can ICANN ensure there is consistency in the these determinations? Without universal, objective standards of what is considered a "public interest goal" and expert panels who have experience in making determinations regarding "public interest goals" that are independent of individual government influence, predictable and uniform determinations are impossible to expect and achieve. Thus, some applicants may find themselves barred from operating their gTLD as intended and expected, resulting in material harm to applicants whose strings are determined to not meet "public interest goals".

3. The GAC Advice articulated for Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLDs has the potential to cause unreasonable delays in final gTLD application determinations due to its broadness and lack of specificity. While we understand that the GAC's mandate is to raise issues of public policy to the ICANN Board, we believe such advice should be specific and capable of timely implementation. Simply stating "...strings representing generic terms, exclusive registry access should serve a public interest goal" is overly broad and reads more like a mandate, than advice on how to responsibly regulate and govern the issuance of new gTLDs. Without more detailed advice about considerations and mechanisms that could be used to reach the determination that a string will serve "public interest goals," acceptance of this piece of GAC Advice would not only cause unreasonable delays to applicants in the final determination of their gTLD application, but also set a dangerous precedent that it is acceptable for the GAC to issue mandates after the policy-making process and not provide specific recommendations and inputs during the policy formulation stages.

Therefore, for the above-stated reasons, Open Universities PTY Limited recommends that the ICANN Board of Directors reject the GAC Advice that requires "...strings representing generic terms, exclusive registry access should serve a public interest goal" as overly broad and unactionable.

In the alternative, if the ICANN Board determines that it agrees with the GAC Advice that "...strings representing generic terms, exclusive registry access should serve a public interest goal" please let it stand for the record that Open Universities PTY Limited contends that exclusive registry access of .courses by Open Universities PTY Limited does serve a public interest goal. Over the last 5 years, online educational offerings have grown exponentially; unfortunately so has fraud in the space. As a result, it has been difficult for providers of online education to easily distinguish themselves as legitimate suppliers and for learners to know who they can trust. Open Universities PTY Ltd. believes that the .courses gTLD can help solve that problem and achieve the public interest goal of providing a secure, legitimate and trusted space for online learning for its students/clients and its network of affiliated partners through exclusive ownership and operation of the gTLD. Open Universities PTY Ltd.'s business model is not to operate the registry for the purposes of generating revenue, but instead self-fund the operation of the registry as a platform for the strategic purpose of building trust and legitimacy of its online course offerings in the global marketplace.

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We hope the ICANN Board finds this insight helpful. If additional information is required about the .course gTLD, we welcome the opportunity to work with ICANN to answer any questions.

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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, Annex I, and Annex II of the [GAC Beijing 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	IG Group Holdings plc
Application ID	1-1332-82635
Applied for TLD (string)	.broker

Response:

INTRODUCTION

We appreciate this opportunity to respond to the GAC's Beijing communiqué. Our comments are only in relation to paragraph IV and Annex 1 of the GAC's Beijing communiqué. We have applied for seven (7) gTLDs (.forex, .cfd, .trading, .nadex, .markets, .spreadbetting and .broker) and this response is applicable to each of those applications.

Our response is in two parts. Part one provides our comments about the nature and breadth of the advice proffered in paragraph IV and Annex 1 of the GAC's Beijing communiqué, the involvement of the GAC in agreeing the parameters of the gTLD application process during its creation and the role of the GAC at this stage of the gTLD application process and the detrimental consequences of accepting certain proposals in the GAC's Beijing communiqué. Part two relates to the impact of paragraph IV and Annex 1 of the GAC's Beijing communiqué to our applications.

PART ONE - THE ROLE OF THE GAC AND ITS COMMENTS

The GAC has in the Beijing Communiqué re-opened several debates on policy issues which were settled by the Internet community and the ICANN Board (Board) some time ago.

We are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing communiqué covering all new gTLD applications constitutes a material change to the scope and purpose of

the advice which was to have been provided. We see no reason why the Beijing communiqué was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

ANNEX I ADVICE OF THE BEIJING COMMUNIQUE

Annex I of the Beijing Communiqué under "Consumer protection, sensitive strings and regulated markets" attempts to create more categories of gTLDs than the Generic Names Supporting Organisation and subsequent policy, including through many versions of the applicant guidebook, has developed. The categories are "linked to regulated or professional sectors", "invoke a high level of trust from consumers" and "carry higher levels of trust". 13 classes of such gTLDs are identified by the GAC, involving approximately 200 strings. In relation to these, the GAC advises 5 categories of activity for the registry operator to compulsorily perform.

In Category 1 under "The GAC further advises the Board on page 10", "some" (a "limited subset") of the approximately 200 strings identified as Consumer protection, sensitive strings and regulated markets strings also fall into a category described as being "associated with market sectors which have clear and/or regulated entry requirements".

In Category 2 under "Restricted registration policies - restricted access" the erroneous claim is made that there is a "general rule that the gTLD space is operated in an open manner". This ignores all the chartered or sponsored gTLDs that have restrictive operating rules. .Post and .Museum are examples. The GAC appears to accept that this category may have certain restrictions on registration, which restrictions should be "appropriate for the kind of risks associated with the TLD". No indication is given of which new gTLDs are contemplated as being members of this category, nor the kind of restrictions. Undue preference in these cases is not to be given to any registrars – a matter already provided for in the Registry contracts, which prohibit preferential treatment, and in relation to all new gTLDs.

In Category 2 under "Restricted registration policies - exclusive access", approximately 61 strings are identified as being required to "serve a public interest goal" in order to be permitted to operate under exclusive access.

INVOLVEMENT OF THE GAC AND ICANN BOARD IN AGREEING THE CATEGORIES OF STRINGS AND THE APPLICANT GUIDEBOOK

The concept of special categories of gTLDs, that would have special rules applying to them, was a feature of many of the GAC communiqués and correspondence with the Board in 2009 and 2010. These were responded to by the Board in detail, and settled through successive iterations of the Applicant Guidebook, with periods of public comment, further analysis, further drafts, and further public comment. (For examples, see Letter from Peter Dengate Thrush to Heather Dryden dated 5 August 2010 and Letter from Peter Dengate Thrush to Heather Dryden 23 November 2010 at <http://www.icann.org/en/news/correspondence/2010>).

The Board held a special retreat in Trondheim in September 2010, at which resolutions on many of these issues were made (see

<http://www.icann.org/en/groups/board/documents/resolutions-25sep10-en.htm>). This led to further debate at the Cartagena Board meeting in December 2010, from which the GAC produced a “Scorecard” of remaining issues of concern (see <http://archive.icann.org/en/topics/new-gtlds/gac-scorecard-23feb11-en.pdf>).

A special inter-sessional negotiation between the Board and the GAC was set up and conducted in Brussels in February 2011. The Board produced a series of briefing papers in preparation for that meeting (see <http://www.icann.org/en/news/announcements/announcement-6-21feb11-en.htm>) and afterwards, the Chair wrote summarizing the progress on outstanding issues: see Letter from Peter Dengate Thrush to Heather Dryden dated 5 March 2011 at <http://www.icann.org/en/news/correspondence/2011>. In that letter, it was noted that the GAC Scorecard was broken down into 80 subparts, or items under discussion, noting progress achieved on many of them.

Further discussion on those items occurred at the San Francisco meeting in March 2011, with a further round of publication and public comment period leading up to the meeting in Singapore in June 2011. At that meeting, there was a further, final public forum on the new gTLD Program.

THE ROLE OF THE GAC AT THIS STAGE OF THE gTLD APPLICATION PROCESS AND THE DETRIMENTAL CONSEQUENCES OF ADOPTING THE GAC BEIJING COMMUNIQUE

The GAC was involved in and participated and contributed to all of these many discussions, as it had since publishing its Principles paper in 2007. For it to be allowed to go back to the debates of 2009, 2010 and 2011, and reopen issues like categories, closed generics, and requiring registry operators to prove their Registry is in the public interest will be very damaging to ICANN.

ICANN has followed its proper processes over many years, at the cost of substantial delay. This action by the GAC unjustly threatens to destabilize the ICANN reputation, and the multi-stakeholder model by which it operates.

It is not the proper role of the GAC to be making last-minute demands at the level of detail of the paragraph IV and annex I of the Beijing Communique advice. The GAC has a role in the multi-stakeholder policy development process, which it has played fully. Changes at this stage in the applicant process should only go through the bottom up policy development process.

The irony that the GAC is in breach of Article 2.5 of its own GAC principles, (see <https://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf>) is not lost on most applicants.

Applicants are put in a very difficult position, even under duress. Given the years of costly delay in completing the program, many will feel they have no option but to abandon their applications. Others will abandon their principles, or their business plans. It is inappropriate for applicants to be put in such a position at this point in the process.

ICANN published a guidebook on which applicants relied on making their business arrangements, and under which ICANN took in approximately \$350,000,000 in fees. Applicants relied on applicant guidebook 1.2.11, which provided that “reasonable updates” would be made

to the guidebook, as a result of changes to technical standards or policies that might be adopted during the process. They did not anticipate, and should not have to accept unilateral changes made by the GAC at this late stage which affect the framework of their applications, and as a result threaten to overturn their applications or their businesses.

If the Board abandons the process prescribed to applicants as a result of the Beijing Communique advice, observers may well query what hope there is for the industry-led, self-regulatory model that ICANN is built on. They will wonder what other influences the Board may be susceptible to. The damage to ICANN's reputation as a mature, responsible, international body, competent to manage the DNS, could be severe.

PART TWO

A. PARAGRAPH IV - GAC ADVICE TO THE ICANN BOARD

In relation to paragraph IV 1F (Singular and Plural versions of the same string as a TLD), we urge the Board not to overturn the findings of its String Similarity panel. We understand they received a lot of training, are experts, and their results should be trusted. The test is visual similarity, and experience shows normal people, including when operating as consumers, can readily distinguish singulars from plurals. The use of outside expert panels was done precisely to avoid debates between non-experts like the GAC and the Board on important tasks like this one. Allowing singulars and plurals adds to consumer choice, and will promote competition, which are important goals of the gTLD expansion.

B. SAFEGUARDS ON NEW gTLDs - Annex 1

The first category of safeguards are applicable to all new gTLDs, and require 6 categories of processes which registry operators are to perform.

As stated above, we have applied for seven .gTLD strings. However, by way of example, we refer to our application for .broker below. We would point out that we would be able and willing to comply with each of these obligations for all of our strings.

1. Whois verification and checks

Our registry is likely to have between 5 and 15 registrations, and all delegated to internal and therefor known registrants, at least for the first few years, after which the number may increase slightly. Our back end provider is VeriSign, with a proven track record in Whois service. We are willing and able to implement any agreed policy on Whois verification and checking. However, as is true of all of the following safeguards, imposing the GAC "safeguards" routinely on all TLDs regardless of size or nature is simply unnecessary, unproductive and a waste of money and other resources.

2. Mitigating Abusive Activity

As our application states in answering Q 28: "IG Group is intending to operate .broker for the benefit of Internet users that have an interest in finding information on products and services related to .broker." There is no incentive for IG Group to confuse Internet users, nor otherwise use domain names in bad faith since IG Group intends to utilize the .broker to benefit internet users by ensuring increased trust, user confidence and utility allowing for better product knowledge and the elimination of user confusion. Furthermore it will be well known that the IG

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Group is the corporate entity behind the .broker and IG Group wishes to avoid negative press or loss of goodwill.

Notwithstanding the above, IG Group understands and agrees that it must comply with the different rights protection mechanisms such as the Uniform Domain Name Dispute Resolution Policy (UDRP) and the Uniform Rapid Suspension System (URS) as described in the gTLD Applicant Guidebook (as may be later amended via Consensus Policy) and the Registry Agreement. The aforementioned policies provide a strong incentive to ensure that relevant and effective checks are in place to ensure that all .broker domain names are only registered and used in an appropriate manner so as to benefit Internet users rather than in any manner that may be deemed inappropriate or in bad faith.

IG Group will implement a clear written policy that requires the relevant corporate authorization and approvals to be procured and evidenced in order for any .broker domain name to be registered for IG Group's use. In the event that IG Group resolves to permit third parties (other than affiliates) that have a relationship with either IG Group or its business, to register (or license) and use domain names within the top level domain (TLD), then additional corporate authorizations and approvals may be required to ensure internal responsibility for permitting and enforcing the terms of use of the .broker domain. In addition to these safeguards, all registered domain names in the TLD will be regularly monitored for abusive use.

We are willing and able to include in our terms of use specific prohibitions of the kind envisaged by the GAC.

3. Security Checks

With the very small number of registrations in our registry, security breaches will be obvious and easy to detect and remediate. We already have plans to suspend any names that pose security threats.

4. Documentation

VeriSign already complies with all reporting requirement in relation to Whois. Changing the nature, frequency or other details of Whois reporting should be done only after consultation with VeriSign and all other operators to ensure industry best practice is achieved, which would probably best done through an ICANN PDP, that would apply changes to all gTLD registries, rather than only some.

5. Making and Handling Complaints

We already have a process for handling issues arising from the use of domain names in our registry. Because there will be only a few, used internally for corporate identification purposes, it is highly unlikely there will be any complaints of the kind the GAC refers to.

6. Consequences

Given that it is unlikely that false Whois data will be supplied in our closed registry, ordering suspension is possible but likely to be rare and of little impact on consumers.

C. SENSITIVE STRINGS AND REGULATED MARKETS - Annex 1 Category 1

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This application is for .broker, identified as a possibly sensitive string and used in the financial markets. A number of our other applications have been referenced in the financial sector also.

1. Acceptable use policy

As a major international broker, we expect to continue to comply with all applicable laws.

2. Notification

We would be willing to comply with this obligation.

3. Commensurate security measures

None of our registrants collect sensitive data as a consequence of their registration in our registry. To the extent they do so, it is in compliance with existing law. We do not consider that this is a matter that is related to a domain name registry contract.

4. A working relationship with regulatory bodies

As a major broker, we already have relationships with all necessary regulatory authorities.

5. A single point of contact for Registrants

We would be willing to comply with this obligation.

D. FURTHER SAFEGUARDS FOR SENSITIVE STRINGS - Annex 1 Category 1 (under The GAC further advises the Board on page 10)

Although we are not identified by the GAC, we assume that .broker might qualify in this category as would our other financial and gambling strings.

In general, the actions required by the GAC would be inappropriate in relation to professional registrants. Moreover, by requiring these conditions, the GAC will be substantially changing the operating assumptions of many applicants. In our view, these requirements are of a type that registries in some industries will want to implement for marketing reasons – it is in their interests to present their domain name registrants as properly, safely and continuously credentialed in the particular field.

Those applicants who have built business models around complying with the additional costs of implementing these new procedures would be at an unfair advantage in relation to those applicants who will have to amend their business plans in order to comply. At the same time, the benefits of the confidential application phase have been lost as those applicants are now disadvantaged, as their previous market advantage has been lost, and their competitors are given a late chance to substantially improve their applications, with the extra advantage of having seen what the initial applicants were proposing to do.

It's not clear that ICANN procedures will allow such major changes in the application – at the very least, it may require further evaluations, thus delaying the applicants and others in contention with them.

In relation to .broker, as we have only internal registrants, we already are aware that they have valid credentials. There is no need to consult about our company with any regulatory

authorities. We do not need to do periodic checks to ensure our credentials are maintained. The same principles apply with our other financial and gambling strings.

E. RESTRICTED ACCESS - Annex 1 Category 2

As our application for .broker explains, we plan to run a TLD restricted to our own use. As we point out above under part one Annex one advice of the Beijing Communiqué, there is no presumption that the gTLD space is to be open. Further counter-examples include .edu, .int, and .mil. The same arguments apply in relation to our other string applications. There is no requirement to this effect in the Guidebook as has been amended throughout the application process.

The restrictions pursuant to which we operate our strings should be at our discretion and not dictated by the risks of our business provided the operation of the string is not at jeopardy. We find this advice too vague for proper implementation or enforcement in particular at this point in the gTLD application process. We consider that it would be nigh on impossible for the Board to evaluate whether the “restrictions are appropriate for the types of risks” for each string identified. This would delay identified applications for several years.

F. EXCLUSIVE ACCESS - Annex 1 Category 2

We intend to operate .broker on an exclusive basis – only our own entities will be eligible for registration. We also intend on operating the other strings we have applied for in the same manner. The GAC advice is to the effect that we should be required to show that this “serves a public interest goal.”

First, that is a vague and subjective test. Ascribing meaning to it will take considerable time. Each different “public” in the world will have its own view of what “public interest” means resulting in inconsistent determinations and repeated conflict. For example, considering the body of global broking regulators as a group of the “public”, they may well have a collective view about what is in the public interest. Consumers may well have another. The subjective test will vary from country to country and for .broker different groups of broking firms and their trade associations will also have different interpretations.

Without universal, objective standards of what is considered a "public interest goal" and expert panels who have experience in making determinations regarding "public interest goals" that are independent of individual government influence, predictable and uniform determinations are impossible to expect and achieve. Thus, some applicants may find themselves barred from operating their gTLD as intended and expected, resulting in material harm to applicants whose strings are determined to arbitrarily not meet "public interest goals".

This is another attempt to re-open previous policy debates. Members of the GAC had previously called for a public interest requirement for all new gTLDs, in order to obtain further economic reports to try and establish public cost/benefit from the innovation of new gTLDs.

However, it was argued the new gTLD expansion provided for competition and consumer choice, which were public policy goals in their own right. The compromise was to amend Application Question 18 and to require applicants to explain possible benefits - for use, not in evaluation, but in later economic studies in reviewing the first round.

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The requirement to show that a string was in the public interest also appeared in an early (June 2011) draft Statement of Work for the Internet Assigned Numbers Authority contract - "...the Contractor shall include documentation to demonstrate how the proposed string has received consensus support from relevant stakeholders and is supported by the global public interest." http://www.ntia.doc.gov/files/ntia/publications/fr_iana_furthernoi_06142011.pdf. By the time the contract went out as RFP, the wording had changed to: "the contractor must provide documentation verifying that ICANN followed its own policy framework.... including specific documentation demonstrating how the process provided the opportunity for input from relevant stakeholders and was supportive of the global public interest." (see https://www.fbo.gov/?s=opportunity&mode=form&id=72dc5eb7b831f44f5eadb6c2f44a60ef&tab=core&_cview=0).

The U.S. National Telecommunications and Information Authority has accepted that attempting to show that each application was a priori in the public interest was not an appropriate test. It changed that to a requirement to show that the process was in the public interest. It remains an inappropriate test, including for closed generic gTLDs.

CONCLUSION

There is no justification for changing the rules on applicants at this point in the application process. The concept of closed generics was known and debated during the policy development work. We have built a business case in reliance on the Applicant Guidebook and filed our applications pursuant to the terms of the Applicant Guidebook.

Accordingly, we ask the Board to be very careful in accepting any GAC advice that seeks to re-open closed policy debates, or that otherwise seeks to impose new burdens on applicants or that has any risk of causing delay to the program.

If the changes proposed by the GAC seem reasonable, there will be many opportunities to add them in the years ahead as part of proper policy development work, including clarifying many of the current ambiguities or vagueness mentioned above. There are processes for amending the contracts – these can be properly used. This is not the time for delay in launching the new TLDs.

Acceptance of the GAC Beijing communique would not only cause unreasonable delays to applicants in the final determination of their gTLD application, but also set a dangerous precedent that it is acceptable for the GAC to issue mandates after the policy-making process and not provide specific recommendations and inputs during policy formulation stages.



Comment on GAC Advice on New gTLDs

About Donuts Inc.

Donuts Inc. has applied for 307 generic top-level domains (gTLDs). Our gTLDs represent generic dictionary terms that we believe will fulfill ICANN's mission to introduce long-overdue consumer choice and competition to Internet naming. Donuts is a well-prepared and well-resourced company that is committed to offering consumers new and varied domain name alternatives through safe, stable and secure registry operations.

Donuts thanks the ICANN Board of Directors (Board) for the opportunity to respond to advice issued by the Governmental Advisory Committee (GAC), as documented in its Beijing Communiqué of 11 April 2013.

Organization of this comment on GAC Advice

This comment is provided in two parts:

- A suggested model for how the Board might organize, consider and respond to the GAC's advice.
- Donuts' own comments regarding the GAC's advice.

Executive Summary

Donuts appreciates the diligent effort of the GAC to ensure one of ICANN's core missions—the safe, secure and reliable operation of the domain name system—is well preserved during gTLD expansion, and the GAC's advice is received in that spirit.

The Board must not only consider the GAC's advice, it must do so in a manner that recognizes the correctly defined remit of the GAC and the interests of multiple parties with stakes in the new gTLD program, including end-users, registrants, investors, and applicants, who already have application agreements with ICANN, have been promised steady progress and predictability, and have participated already in decisions over many issues detailed in the GAC's communiqué.

Donuts believes the Board is in a position to accept the GAC's advice and implement many GAC recommendations, while making clear the full set of advice won't be adopted verbatim—rather, sections are subject to GAC clarification or, consistent with ICANN's bottom-up, consensus-based model, are subject to community review. Certain portions of GAC advice can be accepted as written, while others deserve community consideration and should apply to all gTLDs, if adopted. The Board also will recall many requests of the GAC have been debated and settled previously. Such requests to reconsider specific prior policy decisions at this point should be rejected to avoid causing delay to the new gTLD program. To revisit the very same policy decisions that were made by the Board after a full community process and after numerous consultations with the GAC—decisions that were relied on by applicants that invested hundreds of millions of dollars—would be anathema to the multi-stakeholder model that so many of us have fought to preserve.

As such, the Board should prioritize and handle issues as soon as possible, regard community guidance about what requires discussion or consensus, respect the community's significant expertise

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regarding issues of implementation, and reject previously decided policy issues. Further, the Board **must** maintain the current delegation timeline while considering how to best implement GAC advice.

With regard to GAC advice on gTLDs for which Donuts has applied, the company believes, again, that advice must not delay their advancement toward delegation, nor delay the overall program itself. The GAC should have provided rationale for its advice regarding the delay of specific strings—including .SPA, .VIN and .WINE,—as well as an opportunity to have been heard. At this point, the Board and GAC should not wait for the Durban meeting to make progress on these strings.

As always, Donuts respects the role of the GAC and other members of the community. However, the Board again is asked to revisit the development of new gTLD policy that was long ago finished, and further last-minute attempts to second-guess the Board's decisions regarding the program—particularly with policy and procedure requests that obviously are impractical or not fully thought out—are a waste of time that has become all too short. The Board and GAC should not cause further material harm to the program's applicants, which have been subject to innumerable delays, as well as to consumers that are seeking competition and choice. The Board is in a position to continue to advance the new gTLD program and meet ICANN's promises to all stakeholders.

Thesis

The thrust of Donuts' comments is the following:

- The Board should accept most of the GAC's advice and work towards implementation. Some can be implemented immediately, other recommendations will require more detailed implementation planning by the community, and others need more extensive community discussion where there is a policy or important implementation shift and should apply to all gTLDs.
- The Board should reject without debate or a lengthy process any advice that already was advised by the GAC, considered and rejected by the Board (after considerable analysis), and relied upon by the community.
- This set of GAC advice must not further delay the program.
- While new safeguards always should be considered, past decisions were carefully thought out. The current Guidebook contains a set of protections developed by security experts and honed during the GAC Scorecard process. Protection through categorization was extensively considered and rejected as unworkable.
- Applications for .SPA, .VIN and .WINE should not be delayed beyond Initial Evaluation as Donuts continues discussions with relevant GAC members.

I. Model for Board Response to GAC Advice

Donuts recognizes the Board will receive significant input on GAC advice, and reading, understanding and organizing that input in a way that doesn't denigrate or delay the program is very difficult. We also acknowledge the staff's hard work trying to maintain the program's already-delayed timeline.

Accordingly, we recommend that the Board:

1. Accept most of the GAC advice with the understanding advice will not be adopted verbatim, as implementation will have to be considered by the Board and the community. Decline any advice that already was made by the GAC and rejected by the Board.

Rationale

- a. The intent of the advice is to provide safeguards and increase DNS stability and security. This is a worthy objective.
 - b. Certain advice can be easily agreed to (RAA requirement, certain other unambiguous safeguards) and implemented. Many applicants, Donuts included, have made these a provision of their Public Interest Commitments (PICs).
 - c. Some advice requires additional implementation discussion, either to flesh out or tweak implementation detail or to consider whether a change in policy should be approved.
 - d. Outright rejection of GAC advice should be limited to cases in which the Board already rejected similar GAC advice and it should not trigger any requirement for the Board and GAC to wade through the red tape of additional consultation. Applicants should not endure an endless cycle of the same advice. Moving the proverbial goal posts after a decision is made and relied on would be unacceptable Board conduct.
2. Request that the GAC prioritize work on issues potentially put off until Durban—specifically the gTLD strings it seeks to “hold” pending Board-GAC discussion (Beijing Communiqué, Sec.1.a.i.ii.1) or further GAC deliberation (Sec.1.c.i).

Rationale

- a. GAC members provided Early Warnings for some strings, but not all; GAC rationale of any manner did not accompany consensus advice, which is owed to the Board and applicants.
 - b. Strings named in Sec.1.c of GAC advice should proceed beyond initial evaluation in order to keep the process on track. “The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).” (Applicant Guidebook Sec.3.1.)
 - c. Because the GAC missed its own deadline for providing advice on specific strings, the Board is well justified in expecting the GAC to so prioritize.
3. On the basis of community input, segregate recommendations that are well understood and can be immediately implemented from those that should be rejected and those that require discussion or consensus. For the latter, the Board should describe an accelerated process for implementation on an issue-by-issue basis.

Rationale

Community discussion will include history of the issues already discussed and thus can be dispensed with. It further will indicate which GAC recommendations require examination based on policy or implementation considerations.

- a. Straightforward requirements (for example, general safeguard advice suggestions 1 and 2) will require implementation work to ensure consistency across all gTLDs and a meaningful outcome.
 - b. Some concerns (e.g., Whois) are the subject of ongoing community work; GAC recommendations could be implemented, but are better left to inform existing the working group's holistic approach.
4. Understand that the re-introduction of categories is problematic and must be rejected, but certain category advice may be worthwhile and should apply to all gTLDs.

Rationale

- a. The GAC has re-introduced previously-rejected ideas (category safeguard recommendations 6-8) that would hobble innovation, significantly increase end-user costs, and harm business models developed in reliance on the approved Final Applicant Guidebook. Such blanket restrictions would create an uneven playing field and reduce the benefits the program seeks to provide.
- b. The introduction of safeguards by category was discussed but not adopted during the GAC "scorecard era" as they were determined to be unworkable and unenforceable

As the Board stated in the final version of the GAC scorecard:

"It is true that the Board has rejected the idea that community name definitions be expanded to include other sectors and regulated business...Expansion of categories in a clear way is extremely difficult. This is reflected in the public comment received. Community definitions have been drawn narrowly in the Guidebook to prevent abuses. Even expansion of categories will probably not address GAC concerns in come way as even the expanded definition might leave some genuine area of sensitivity unaddressed."¹

- c. The program was approved with this understanding. Another bite at this apple is unwarranted as no compelling rationale is provided for reintroduction.
 - d. Some category safeguards advocated by the GAC could reasonably apply to all gTLDs (i.e., not only new gTLDs), negating the need for categorization. (Example: requiring protection of confidential information is a reasonable requirement for all gTLDs.)
5. As ICANN's ultimate decision authority, inform the GAC that the gTLD process will not be delayed pending the results of discussions, except for the specific strings listed in Sec. 1.A of GAC advice.

Rationale

It is critical to maintain the current delegation timeline while considering how to implement GAC advice.

- a. Success or failure to adhere to the timeline will have reputational impacts: ICANN entities are not seen discretely; to relative outsiders, GAC activity, Board arbitration of various stakeholder interests and ICANN staff execution are seen all together. It's important for all to work together to provide sensible governance and avoid delays that provide ammunition for ICANN opponents.

¹ board-notes-gac-scorecard-clean-15apr11-en-2.pdf

ICANN should not have to say, “Staff were prepared to meet goals but governmental stakeholders delayed the program to change controls that were already decided.” This is akin to saying “ICANN would have met its objectives, except for the acts of ICANN.”

- b. Most GAC advice falls outside that described in the AGB, and therefore should not delay the program. GAC advice on *particular* strings in accordance with Sec 3.1(iii) must be strictly followed.
- c. Certain Safeguard Advice that arrived after the AGB was approved and the process launched are rehashes of previously raised issues that were exhaustively covered by experts, and strengthened by the GAC’s Scorecard effort.
- d. While the GAC may provide advice at any time, it must be considered with urgency, while work toward delegation proceeds in parallel. The AGB states: **“The receipt of GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process).”** (Emphasis added)

In the context of ICANN’s goal to advance competition in the domain name industry, Donuts believes some suggestions deserve policy consideration to ensure applicability to all gTLDs, new and existing. This is consistent with the NTIA’s recent letter to ICANN, which states in part:

“We encourage ICANN to explore additional . . . protections across all TLDs, existing and new, through community dialogues and appropriate policy development processes in the coming year.”

<http://www.icann.org/en/news/correspondence/strickling-to-crocker-04oct12-en.pdf>

The final result should be that many, but not all of the elements of the GAC Communiqué are implemented at the time of launch in some form, while others go through some process to apply to all gTLDs.

II. Donuts Comments on GAC Advice

Donuts respectfully underscores to the Board that the new gTLD program has been entirely developed over a long period of years (including significant contributions from the GAC), satisfying the objective of providing a healthy ecosystem for innovation, consumer choice and competition, while providing a safe environment for those who use the Internet and protecting the interests of multiple stakeholders. Our comments reflect these objectives and are the foundation for the rationale for our input.

Donuts has invested more than \$57 million in application fees alone, and has participated extensively in development of the new gTLD program. Donuts, and other applicants, have met every deadline and requirement put forth by ICANN, while various ICANN entities have missed deadlines, made decisions without community consultation, issued multiple last-minute demands, and otherwise bowed to pressure from parties interested only in delay.

Against the backdrop of a completely prepared gTLD expansion program, the GAC's Beijing advice is extraordinarily overbroad and is not limited (as mandated in the AGB) to specific strings. Donuts applications are mentioned in the category recommendations an astoundingly high number of times, which is remarkable considering that our applications were for purely generic terms and designed to avoid the governmental sensitivities identified in the AGB.

Had applicants known the GAC would attempt to extend its mandate beyond what it previously agreed to, perhaps their participation in the program would have been different. The current program was approved after many years of discussion, taking into account the GAC principles, GAC Communiqués, and the effort known as the GAC Scorecard (where many of the issues raised here were settled). Ultimately, however, fairness should prevail and applicants like Donuts (who relied on Board assurances that new gTLD policy was finalized at the time of application and the GAC Principle related to applicant certainty²) should not be reasonably expected to make significant last-minute changes to business plans by agreeing to complicated policies issued in a top-down manner and that present unreasonable implementation barriers.

Having said that, there is possibility for compromise and discussion. Donuts finds many of the GAC recommendations acceptable as is, while others can be accepted for community discussion. That discussion might further identify and refine operational details or could require broader policy discussion.

Donuts recommends the Board take the following actions:

1. Implement GAC advice pertaining to:
 - a. usage of registrars operating under the 2013 Registrar Accreditation Agreement (RAA);
 - b. GAC principles on Whois being taken into account by the Directory Services Expert Working Group;
 - c. making permanent the protections for International Olympic Committee (IOC) and Red Cross/Red Crescent (RCRC) at the top level prior to delegation of new gTLDs; and
 - d. protecting full names of IGOs at the top and second levels. (Donuts does not agree with full second-level reservation of IGO acronyms, but agrees with the Registry Stakeholder Group's proposal to add acronyms to the Trademark Clearinghouse, making them eligible for Sunrise and claims protections.)

² GAC Principle 2.5, which states, in part: "All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process."

Rationale

More than one party can legitimately use many acronyms, including those documented by the GAC in its recommendations regarding IGO protections. Donuts supports enabling IGOs, at their option, to register their acronym names into the TMCH and utilize the mandatory Sunrise and claims processes based on individual registry requirements, similar to the treatment of validated trademarks. In accordance with existing TMCH rules, priority should not be assigned to IGOs ahead of trademark holders; names instead should be allocated in sunrise to competing parties according to registration requirements of that registry. Doing so grants IGOs the same enhanced rights that trademark holders enjoy under the AGB, provides IGOs and trademark holders “first crack” at acronyms in unrestricted gTLDs, and is ultimately the most equitable and practical method for all parties.

2. Advice pertaining to safeguards, in addition to those already negotiated with the GAC and included with the AGB, should be addressed by the Board after a community discussion, separate from the new gTLD program. (See discussion on specific safeguards below.)

Rationale

ICANN has a duty to include all impacted parties in a discussion of policy outcomes and implementation outcomes. Also, community discussion will ensure fair implementation.

3. With regard to advice on specific strings (.SPA, .WINE, .VIN), the GAC’s process lacked transparency and it failed to provide any rationale for holding these applications. The applications should proceed beyond Initial Evaluation.

Rationale

- a. Having received Early Warnings on .VIN and .WINE applications, Donuts held productive discussions with governmental representatives from France and Luxembourg regarding appropriate safeguards, and at the invitation of these governments, will continue discussions related to any potential accommodations.
 - b. Donuts received no Early Warning for .SPA, and the GAC provided no rationale for the GAC seeking to delay this application. The AGB *must* have contemplated that the GAC would provide rationale on which to base a reply. If the GAC’s concern is that Donuts’ intention is to employ the gTLD as a city name (as detailed in the AGB), we refer the Board to Donuts’ application for .SPA—our intention clearly is not to do so.
 - c. The GAC seeks to delay consideration of these applications without providing justification, making an informed response impossible.
4. There is no demonstrated need to re-examine simultaneous existence of singular and plural versions of a string.

Rationale

- a. The GAC asks the Board to “Reconsider its decision to allow singular and plural versions of the same strings.” However, this was not a Board decision. The Board approved the evaluation process, which included independent assessment of each application against AGB criteria, appropriately away from the interests of those with stakes in the outcome.
- b. The findings of the independent string similarity review panel should not be upset, absent a finding of mis- and malfeasance. The GAC cannot replace the evaluators’ opinions with that of its own.
- c. ICANN should not open the door to one stakeholder group undoing independently arrived-at results because that stakeholder group doesn’t care for the outcome.

- d. Substantively, ICANN risks marginalizing the utility of the naming spectrum.³
5. While recognizing the GNSO has undertaken policy work relating to International Governmental Organization (IGO) names and acronyms, the Board should be prepared to make decisions quickly about the eventual employment of these terms.

Rationale

- a. The GAC has admitted that implementation is difficult. The issue now is actively under consideration of a GNSO working group, which is nearing completion of recommendations. This discussion appropriately belongs—in the hands of all impacted parties and implementation experts. More than one potential solution has been offered, and the Board should expect a working group recommendation soon. (See Donuts input: <http://forum.icann.org/lists/gns0-igo-ingo/msg00613.html>)
 - b. In the AGB, the Board implemented the previous, explicit GAC advice that “no additional protections should be afforded to IGOs.” (<http://www.icann.org/en/news/correspondence/dryden-to-crocker-icann-board-12apr12-en>)
 - c. The Board described (and the GAC agreed that there were) implementation problems with IGO/INGO protection, finding more than 100 collisions in just 13 of the GAC’s recommended IGO acronyms. (<http://www.icann.org/en/news/correspondence/crocker-to-dryden-01apr13-en>)
 - d. The Board further highlighted the difficulty, if not impossibility, of implementing the GAC’s advice as written. (<http://audio.icann.org/meetings/beijing2013/gac-board-09apr13-en.mp3>)
 - e. The GNSO is considering this issue, including participation from those who understand the implementation challenges. More than one potential solution has been offered, and the Board should expect a working group recommendation soon. (See Donuts input: <http://forum.icann.org/lists/gns0-igo-ingo/msg00613.html>)
6. The requirement that registries use only registrars that have signed the 2013 RAA is acceptable.

Rationale

Donuts supports the adoption of the currently proposed RAA and Registry Agreement, which already contains this requirement.

³ Donuts agrees with this comment by a fellow applicant: “By limiting singular and plurals, ICANN would be marginalizing the utility of the naming spectrum and ... the success of the entire new GTLD exercise. The public expects to find singulars AND plurals and causing that public to find some and not others, will make navigation more confusing. In the long run it creates more errors in search, benefiting search engines and weakens the utility of the naming spectrum as a natural navigation medium. Internet users will continue to search for plurals; they will simply fail to the browser’s default search. Search wins and names lose.” <http://forum.icann.org/lists/comments-gac-safeguard-advice-23apr13/msg00006.html>

7. It should adopt certain new protections sought by the GAC (GAC Beijing Communiqué Sec. V.1.b. and Annex I—Safeguards Applicable to All New gTLDs) after expedited consultation and discussion with the community.

Rationale:

- a. Abuse mitigation measures and other protections were thoroughly discussed and implemented by experts in the working group staffed by the APWG, RISG, IRT, STI and others. Their work results were later examined and enhanced by the GAC during the scorecard deliberations, then eventually included in the approved AGB.
- b. Many of the protections referred to by the GAC are already addressed in the AGB and registry contract.
- c. Many also have been further enhanced by registry operators themselves.
- d. Additional protections sought by the GAC should have the benefit of review by community experts, which should occur outside the new gTLD program and not delay delegations.
- e. With standard, clearly written and enforceable PIC Specs, ICANN can enforce terms through its compliance function instead of a third-party dispute resolution provider, creating efficiency.
- f. A standard set of commitments inserted into the contract would create a level playing field for all applicants.

Donuts' input on "Safeguards Applicable to all New gTLDs" (Beijing Communiqué, pp. 7-8)

Recommendation 1: Whois verification and checks

Donuts has committed to this function in its application and PIC Specs, and therefore is in favor of the Board implementing a standard PIC on this issue.

Recommendation 2: Mitigating abusive activity

Donuts has committed to this function in its application and PIC Specs, and therefore is in favor of its adoption through a standard PIC. It should be remembered that ICANN convened a group of industry experts (including APWG and RISG members) to develop and implement a set of mitigation measures that were included in the Guidebook and discussed during the GAC Scorecard.

Recommendation 3: Security checks

For gTLDs we determined were sensitive or otherwise deserved heightened security attention, Donuts committed to this function in its application and PIC Specs, and therefore, for similarly sensitive strings, is in favor.

Recommendation 4: Documentation

Donuts is in a position to adopt this safeguard were the Board to adopt them after a community discussion provides clarity and consensus. The Board should accept the GAC recommendation and forward it to the currently operating Whois working group for consideration.

Recommendation 5: Making and handling complaints

Registrant points of contact are listed in the Whois information and recommend that this new role for the point of contact be discussed in the Whois working group. Again, there are operational considerations to be worked out: who is the point of contact, for example, for the major insurers with, potentially, thousands of callers?

Recommendation 6: Consequences

GAC advice seems to state that responsibility for applying consequences should be shifted to the registry and consequences are mandatory in all cases. The idea has merit, but Donuts reminds the Board it is the registrar that has the direct customer relationship, and further, that mandatory consequences carry the risk of being misapplied.

Donuts recommends the Board accept the GAC's advice and combine this community discussion with those of the Whois working group.

8. Categorization, as proposed by the GAC is overbroad and unworkable. Applying safeguards according to categories of gTLDs is problematic, was previously rejected in community work and by the Board, and would limit new gTLD benefit and utility. With that said, some of these suggested safeguards could be adopted for all gTLDs after community review. Others must be rejected outright.

Rationale:

- a. It is impossible to define a difference between names that are susceptible to abuse and those that aren't. As the Board stated in the final version of the GAC scorecard:

"It is true that the Board has rejected the idea that community name definitions be expanded to include other sectors and regulated business...Expansion of categories in a clear way is extremely difficult. This is reflected in the public comment received. Community definitions have been drawn narrowly in the Guidebook to prevent abuses. Even expansion of categories will probably not address GAC concerns in come way as even the expanded definition might leave some genuine area of sensitivity unaddressed."⁴

- b. Placing limitations on gTLDs before they're launched, solely in anticipation of a possible type of abuse, will stifle innovation. As the Board said:

"Significant consideration has been given to the issue of introducing category-based TLDs in the new gTLD process. ICANN remains a strong proponent of innovative uses of new TLDs. This is especially so in cases where TLDs can be delegated to address the needs of specific communities such as intergovernmental organizations, socio-cultural groups and registered brands. Rather than having ICANN limit this type of innovation and identification with certain TLD models, more creativity might be spawned by allowing different groups to self-identify the type of TLD they purport to be and promote that model among their community."⁵

⁴ board-notes-gac-scorecard-clean-15apr11-en-2.pdf

⁵ Summary-analysis-agv4-12nov10-en.pdf

i. Example: .ARCHITECT

Limiting this gTLD to licensed structural architects denies legitimate usage by software architects⁶, landscape architects, and others. Such a limitation would disenfranchise “minority” uses of the term.

- c. Categorical restrictions on some and not other gTLDs hobbles competition and creates an uneven playing field.
- d. Contractual compliance is problematic. Under which set of circumstances does a label attain “category” status? Under which is it excused of additional obligations?

Donuts input on specific recommendations (Beijing Communiqué, pp 8-10, GAC advice in italics):

Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws.

Donuts believes all gTLDs must operate within applicable law. We do not believe, however, that registries should act as law enforcement.

Recommendation 1: Registry operators will include in its acceptable use policy that registrants 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.

Registrants must operate within the law and that requirement can be passed down to them but registries should not be put in investigative or law enforcement roles. It is very unlikely, for example, that registry operators know anything substantive about organic farming. This requirement should be included in the recommendations for all gTLDs.

Recommendation 2: Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Donuts agrees with this recommendation. This requirement should be included in the recommendations for all gTLDs.

Recommendation 3: Registry operators will require 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 and recognized industry standards.

After community discussion to determine the correct wording, a form of this requirement can be passed down. Note that handling of this data seems to occur effectively in .COM and other TLDs where there are less stringent requirements: those registering second-level names are successful at maintaining confidential data—or they fail.

⁶ The Board itself enjoys the expertise of a liaison from the Internet **Architecture** Board: <http://www.iab.org/2013/04/11/iab-appoints-jonne-soininen-as-liaison-to-the-icann-board/>

Recommendation 4: Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Donuts will maintain close working relationships with relevant authorities as necessary. However, we advise the Board this creating such a requirement could be very impractical—how would one know, for example, which regulatory body oversees farming, retail sales, and quality control for registrants using .FLORIST. These bodies might not be responsive to collaboration. This recommendation should be appropriately scaled.

Recommendation 5: Registrants must be required by the registry operators to notify to them (sic) a single point of contact 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.

We think the registrants' points of contact are listed in the Whois information and recommend that this new role for the point of contact can be discussed in the Whois working group. Again, there are operational considerations to be worked out.

The GAC goes on to state, "*strings may require further targeted safeguards, to address specific risks. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors.*"

GAC use of language "may," "should" and "some" implies that these are GAC recommendations to be considered.

Recommendations 6-8 are addressed together:

Recommendation 6: At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

Recommendation 7: In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

Recommendation 8: The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

We find this last set of recommendations to be highly problematic. They place registrar duties upon the registry. More importantly, they restrict registry operations in a way that might be unworkable in many circumstances.

TLDs can target different registrants other than licensed professionals. TLDs such as .CASH, .LEASE and .HEALTH can be safely operated without onerous conditions or restrictions. (Currently, health.com is operated by a U.S. based magazine and presumably provides very useful information to its readers.) Donuts has put safeguards in place (and as is evidenced above, willing to consider more) to ensure

stable operation of the registry and protection of registrants and users.

Donuts advises the Board that these requests present significant operational difficulties:

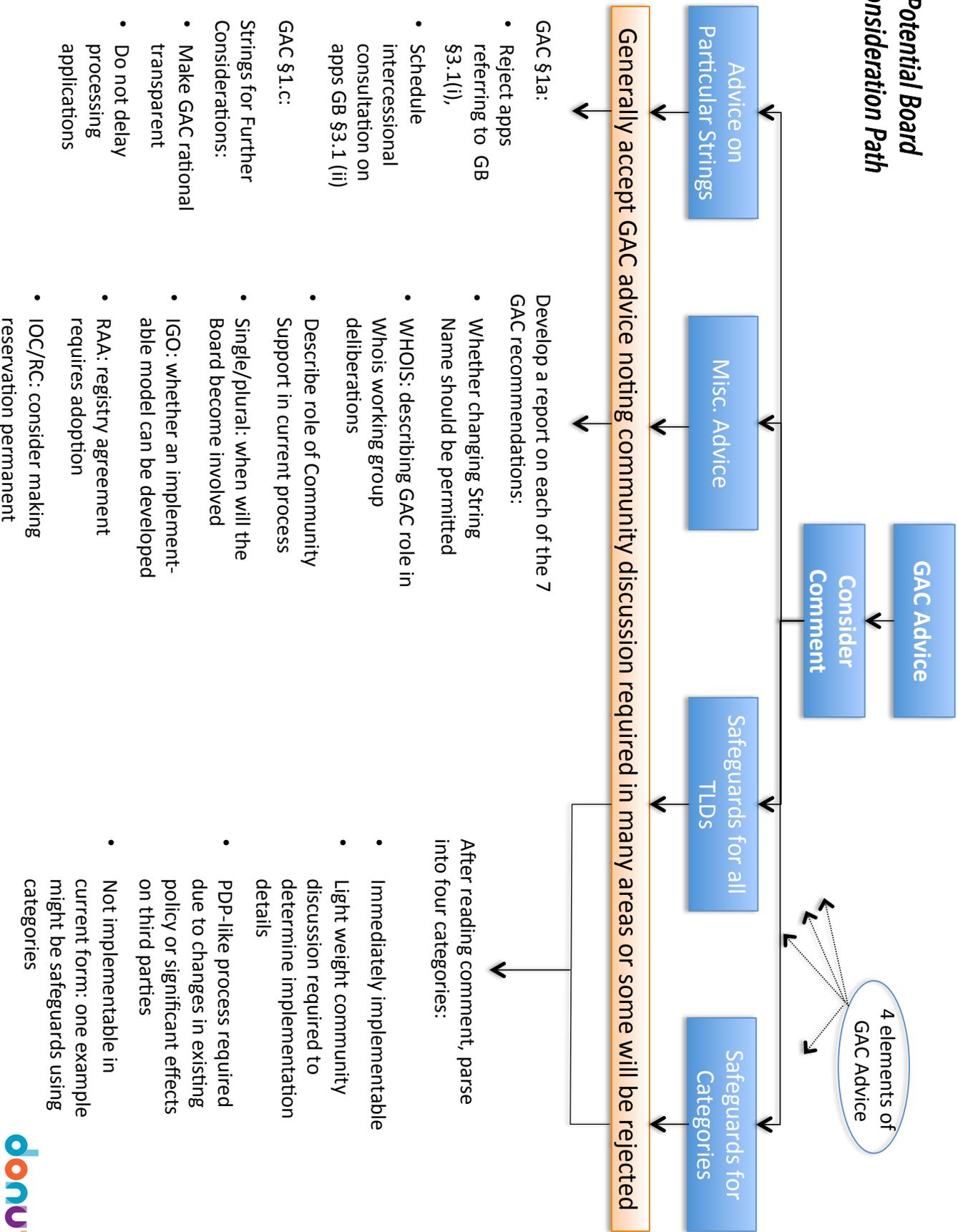
- They significantly change the registration experience of the end-user, from the ability to register a name now to requesting a name and having it granted only after permission is secured from one of potentially thousands of bodies with interests in regulating speech and content.
- They may violate data protection and privacy laws in multiple jurisdictions.
- They would require the cooperation of governments and other authorities, as well as the above-mentioned thousands of various credentialing bodies, to secure private identity data and provide it to registrars.

Obviously, these GAC recommendation must be rejected.

Summary

Donuts appreciates the opportunity to comment. Understanding the Board will have hundreds of these comments to read, Donuts is submitting this one comment on behalf of all our applications. We would appreciate the opportunity to explain our viewpoints and reasoning more fully at any time and at the Board's convenience.

Potential Board Consideration Path



GAC Advice

Advice on Particular Strings

Misc. Advice

Safeguards for all TLDs

Safeguards for Categories

- SPA
GAC has provided no Early Warning or rationale for delaying this application. The GAC should make that rationale transparent now and the Board should not delay application processing.
- Changing String Name
AGB prohibition backed by sound reasoning
- WHOIS
Whois working Group should consult with the GAC early & often
- Community Support
Addressed in the AGB objection & CPE
- Single/plural follow existing processes
- IGO reserve full IGO names; allow acronyms in TMCH
- RAA agree with GAC
- IOC/RC make reservation permanent
- Whois verification
- Mitigating abuse
- Security checks
- Documentation
- Handling complaints
- Consequences
- These concepts can be negotiated by the parties to the agreement and incorporated into the registry agreement as standard PICs and enforced by ICANN
- Categories were decided unworkable in Scorecard. However, some safeguards might be implemented for all TLDs
- Consumer Protection, Sensitive Strings, and Regulated Markets
- Some protections can be implemented for all TLDs. Community discussion is req'd to clarify roles of registries & registrars. Defining any segment (say "architect" or "lawyer" is problematic).
- Restricted or exclusive access
- Should not clash with bona fide business models created in reliance on AGB



#	Application Number	Applicant Name	Email Address
1	1-1336-51768	Half Oaks, LLC	halfoaks@donuts.co
2	1-1340-40734	Knob Town, LLC	knobtown@donuts.co
3	1-1339-13106	Steel Falls, LLC	steelfalls@donuts.co
4	1-1341-21066	June Maple, LLC	junemaple@donuts.co
5	1-1343-89689	Lone Maple, LLC	lonemaple@donuts.co
6	1-1342-7920	Spring Frostbite, LLC	springfrostbite@donuts.co
7	1-1344-70608	Baxter Tigers, LLC	baxtertigers@donuts.co
8	1-1345-27582	Baxter Hill, LLC	baxterhill@donuts.co
9	1-1348-99321	Victor North, LLC	victornorth@donuts.co
10	1-1347-98883	Sand Galley, LLC	sandgalley@donuts.co
11	1-1349-23181	Holly Castle, LLC	hollycastle@donuts.co
12	1-1351-20019	Big Maple, LLC	bigmaple@donuts.co
13	1-1352-18081	Auburn Beach, LLC	auburnbeach@donuts.co
14	1-1350-42613	Auburn Hollow, LLC	auburnhollow@donuts.co
15	1-1354-34421	Half Hollow, LLC	halfhollow@donuts.co
16	1-1353-23613	Silver Pass, LLC	silverpass@donuts.co
17	1-1355-53565	Little Hollow, LLC	littlehollow@donuts.co
18	1-1356-74155	Romeo Corner, LLC	romeocorner@donuts.co
19	1-1359-21671	Foggy Way, LLC	foggyway@donuts.co
20	1-1357-41903	Grand Hollow, LLC	grandhollow@donuts.co
21	1-1360-70873	Sand Cedar, LLC	sandcedar@donuts.co
22	1-1358-79189	Corn Shadow, LLC	cornshadow@donuts.co
23	1-1362-58076	Black Shadow, LLC	blackshadow@donuts.co
24	1-1361-60591	Double Bloom, LLC	doublebloom@donuts.co
25	1-1363-29181	Over Galley, LLC	overgalley@donuts.co
26	1-1365-11798	Goose North, LLC	goosenorth@donuts.co
27	1-1364-8001	Spring North, LLC	springnorth@donuts.co
28	1-1366-121	Atomic Madison, LLC	atomicmadison@donuts.co
29	1-1367-68057	Spring Cross, LLC	springcross@donuts.co
30	1-1368-92181	Bitter Sunset, LLC	bittersunset@donuts.co

31	1-1371-6431	Half Sunset, LLC	halfsunset@donuts.co
32	1-1370-88467	Pioneer Canyon, LLC	pioneercanyon@donuts.co
33	1-1372-58656	Atomic Maple, LLC	atomicmaple@donuts.co
34	1-1373-83008	Delta Dynamite, LLC	deltadynamite@donuts.co
35	1-1375-20218	Delta Mill, LLC	deltamill@donuts.co
36	1-1376-34668	Foggy Hollow, LLC	foggyhollow@donuts.co
37	1-1374-92093	Goose Cross, LLC	goosecross@donuts.co
38	1-1378-74207	Wild Corner, LLC	wildcorner@donuts.co
39	1-1377-8759	Koko Castle, LLC	kokocastle@donuts.co
40	1-1379-61100	Extra Way, LLC	extraway@donuts.co
41	1-1381-76948	Delta Lake, LLC	deltalake@donuts.co
42	1-1382-33633	Binky Sky, LLC	binkysky@donuts.co
43	1-1380-59591	New Falls, LLC	newfalls@donuts.co
44	1-1383-13918	Tin Mill, LLC	tinmill@donuts.co
45	1-1384-49318	Corn Lake, LLC	cornlake@donuts.co
46	1-1385-24288	Sand Fields, LLC	sandfields@donuts.co
47	1-1388-22552	Sand Cover, LLC	sandcover@donuts.co
48	1-1387-59691	Holly Fields, LLC	hollyfields@donuts.co
49	1-1389-12139	Snow Sky, LLC	snowsky@donuts.co
50	1-1390-429	Black Corner, LLC	blackcorner@donuts.co
51	1-1391-32771	Fox Shadow, LLC	foxshadow@donuts.co
52	1-1392-58392	Goose Park, LLC	goosepark@donuts.co
53	1-1394-96113	Steel Lake, LLC	steellake@donuts.co
54	1-1393-18458	Dash Cedar, LLC	dashcedar@donuts.co
55	1-1396-86079	Koko Manor, LLC	kokomanor@donuts.co
56	1-1397-64766	Koko Island, LLC	kokoisland@donuts.co
57	1-1398-14114	Puff Willow, LLC	puffwillow@donuts.co
58	1-1401-49222	Trixy Cover, LLC	trixycover@donuts.co
59	1-1400-95244	Binky Edge, LLC	binkyedge@donuts.co
60	1-1402-32002	Fox Orchard, LLC	foxorchard@donuts.co
61	1-1399-64977	Silver Avenue, LLC	silveravenue@donuts.co
62	1-1405-67595	Pine Mill, LLC	pinemill@donuts.co
63	1-1404-98894	Pine House, LLC	pinehouse@donuts.co
64	1-1403-98045	Fox Dynamite, LLC	foxdynamite@donuts.co
65	1-1406-80949	Pixie Station, LLC	pixiestation@donuts.co
66	1-1408-96304	Magic Woods, LLC	magicwoods@donuts.co

67	1-1409-69124	Koko Lake, LLC	kokolake@donuts.co
68	1-1407-41397	Cotton Fields, LLC	cottonfields@donuts.co
69	1-1413-96740	Black Island, LLC	blackisland@donuts.co
70	1-1411-59458	Trixy Canyon, LLC	trixycanyon@donuts.co
71	1-1410-93823	Snow Shadow, LLC	snowshadow@donuts.co
72	1-1412-63109	Binky Frostbite, LLC	binkyfrostbite@donuts.co
73	1-1414-81052	Little Cover, LLC	littlecover@donuts.co
74	1-1415-46513	Spring Way, LLC	springway@donuts.co
75	1-1416-56404	Pine Fest, LLC	pinefest@donuts.co
76	1-1419-43874	Sand Sunset, LLC	sandsunset@donuts.co
77	1-1418-57248	Puff House, LLC	puffhouse@donuts.co
78	1-1420-57575	Steel Station, LLC	steelstation@donuts.co
79	1-1421-91857	Tin Birch, LLC	tinbirch@donuts.co
80	1-1422-97537	Outer Lake, LLC	outerlake@donuts.co
81	1-1425-38025	Black Avenue, LLC	blackavenue@donuts.co
82	1-1428-32844	John Edge, LLC	johnedge@donuts.co
83	1-1426-25607	Pioneer Hill, LLC	pioneerhill@donuts.co
84	1-1427-39640	Dash Park, LLC	dashpark@donuts.co
85	1-1424-94823	Half Trail, LLC	halftrail@donuts.co
86	1-1432-79618	Extra Madison, LLC	extramadison@donuts.co
87	1-1431-6328	Holly Hill, LLC	hollyhill@donuts.co
88	1-1430-52453	Brice Trail, LLC	bricetrail@donuts.co
89	1-1429-22494	Koko Mill, LLC	kokomill@donuts.co
90	1-1433-39728	Sugar Cross, LLC	sugarcross@donuts.co
91	1-1434-1370	Little Birch, LLC	littlebirch@donuts.co
92	1-1435-73490	Brice Way, LLC	briceway@donuts.co
93	1-1438-98374	Spring Madison, LLC	springmadison@donuts.co
94	1-1437-42738	Binky Birch, LLC	binkybirch@donuts.co
95	1-1436-74788	Romeo Canyon, LLC	romeocanyon@donuts.co
96	1-1440-71720	Snow Oaks, LLC	snowoaks@donuts.co
97	1-1442-68106	Corn Station, LLC	cornstation@donuts.co
98	1-1441-44965	Trixy Park, LLC	trixypark@donuts.co
99	1-1443-27992	Pioneer Maple, LLC	pioneermapple@donuts.co
100	1-1445-684	Spring Falls, LLC	springfalls@donuts.co
101	1-1444-46322	Magic Pass, LLC	magicpass@donuts.co
102	1-1446-82057	Victor Beach, LLC	victorbeach@donuts.co

103	1-1447-46365	Sea Sunset, LLC	seasunset@donuts.co
104	1-1448-73190	Atomic Pipe, LLC	atomicpipe@donuts.co
105	1-1450-96002	Bitter Galley, LLC	bittergalley@donuts.co
106	1-1449-26710	Goose Glen, LLC	gooseglen@donuts.co
107	1-1451-8324	Just Maple, LLC	justmaple@donuts.co
108	1-1455-48217	Big Dynamite, LLC	bigdynamite@donuts.co
109	1-1452-20905	Outer Avenue, LLC	outeravenue@donuts.co
110	1-1454-18725	Cotton Cypress, LLC	cottoncypress@donuts.co
111	1-1453-71764	Just Cover, LLC	justcover@donuts.co
112	1-1459-49079	Fox Woods, LLC	foxwoods@donuts.co
113	1-1457-79967	Brice Orchard, LLC	briceorchard@donuts.co
114	1-1460-3791	Fox Station, LLC	foxstation@donuts.co
115	1-1456-34878	Half Cypress, LLC	halfcypress@donuts.co
116	1-1458-34042	Fern Willow, LLC	fernwillow@donuts.co
117	1-1462-36448	Wild Orchard, LLC	wildorchard@donuts.co
118	1-1463-19656	Foggy Farms, LLC	foggyfarms@donuts.co
119	1-1461-35653	Sea Oaks, LLC	seoaks@donuts.co
120	1-1464-71170	June Hollow, LLC	junehollow@donuts.co
121	1-1468-64201	John Dale, LLC	johndale@donuts.co
122	1-1465-93738	Over Keep, LLC	overkeep@donuts.co
123	1-1467-34522	John Castle, LLC	johncastle@donuts.co
124	1-1466-60532	Lone Fields, LLC	lonefields@donuts.co
125	1-1469-89174	Atomic Falls, LLC	atomicfalls@donuts.co
126	1-1471-10955	Sugar House, LLC	sugarhouse@donuts.co
127	1-1470-40168	Foggy Beach, LLC	foggybeach@donuts.co
128	1-1472-69003	Brice Maple, LLC	bricemaple@donuts.co
129	1-1474-76888	Goose Sky, LLC	goosesky@donuts.co
130	1-1475-74719	Black Cover, LLC	blackcover@donuts.co
131	1-1473-54534	Goose Falls, LLC	goosefalls@donuts.co
132	1-1477-91047	Extra Dynamite, LLC	extradynamite@donuts.co
133	1-1478-71326	June Edge, LLC	juneedge@donuts.co
134	1-1476-38656	Lone Falls, LLC	lonefalls@donuts.co
135	1-1479-5306	Over Madison, LLC	overmadison@donuts.co
136	1-1481-2922	Pioneer Tigers, LLC	pioneertigers@donuts.co
137	1-1486-63504	Corn Sunset, LLC	cornsunset@donuts.co
138	1-1482-30833	Romeo Town, LLC	romeotown@donuts.co

139	1-1484-33046	Snow Moon, LLC	snowmoon@donuts.co
140	1-1487-73268	Pioneer Cypress, LLC	pioneercypress@donuts.co
141	1-1488-15641	Pixie Edge, LLC	pixieedge@donuts.co
142	1-1489-82287	Goose Fest, LLC	goosefest@donuts.co
143	1-1492-32589	Silver Glen, LLC	silverglen@donuts.co
144	1-1499-91633	Pioneer Gardens, LLC	pioneergardens@donuts.co
145	1-1493-98462	Half Willow, LLC	halfwillow@donuts.co
146	1-1496-1524	John Madison, LLC	johnmadison@donuts.co
147	1-1497-56699	Goose Woods, LLC	goosewoods@donuts.co
148	1-1494-83305	Baxter Pike, LLC	baxterpike@donuts.co
149	1-1505-15195	Ruby Pike, LLC	rubypike@donuts.co
150	1-1507-65003	Trixy Birch, LLC	trixybirch@donuts.co
151	1-1498-82780	Auburn Hill, LLC	auburnhill@donuts.co
152	1-1500-16803	Spring McCook, LLC	springmccook@donuts.co
153	1-1506-83794	Sugar Park, LLC	sugarpark@donuts.co
154	1-1511-99612	Auburn Bloom, LLC	auburnbloom@donuts.co
155	1-1271-68369	Baxter Sunset, LLC	baxtersunset@donuts.co
156	1-1510-3058	Outer House, LLC	outerhouse@donuts.co
157	1-1514-76062	Outer Maple, LLC	outermaple@donuts.co
158	1-1512-20834	Auburn Park, LLC	auburnpark@donuts.co
159	1-1516-617	Pioneer Willow, LLC	pioneerwillow@donuts.co
160	1-1513-9603	Wild Way, LLC	wildway@donuts.co
161	1-1521-75718	Holly Glen, LLC	hollyglen@donuts.co
162	1-1520-93221	Wild Bloom, LLC	wildbloom@donuts.co
163	1-1522-61364	Goose Gardens, LLC	goosegardens@donuts.co
164	1-1526-71442	Just Goodbye, LLC	justgoodbye@donuts.co
165	1-1525-41533	Pine Moon, LLC	pinemoon@donuts.co
166	1-1523-55821	Corn Dynamite, LLC	cordynamite@donuts.co
167	1-1531-96078	Atomic Station, LLC	atomicstation@donuts.co
168	1-1540-49920	Victor Trail, LLC	victortrail@donuts.co
169	1-1536-79233	Blue Falls, LLC	bluefalls@donuts.co
170	1-1535-64595	Trixy Oaks, LLC	trixyoaks@donuts.co
171	1-1539-6233	John McCook, LLC	johnmccook@donuts.co
172	1-1542-96415	Big Fest, LLC	bigfest@donuts.co
173	1-1543-47454	Hidden Frostbite, LLC	hiddenfrostbite@donuts.co
174	1-1545-55209	Half Woods, LLC	halfwoods@donuts.co

175	1-1547-37710	Outer Way, LLC	outerway@donuts.co
176	1-1546-93002	Foggy North, LLC	foggynorth@donuts.co
177	1-1544-18264	June Woods, LLC	junewoods@donuts.co
178	1-1549-37731	Hidden Cypress, LLC	hiddencypress@donuts.co
179	1-1550-65638	Over Corner, LLC	overcorner@donuts.co
180	1-1551-91953	Dash Tigers, LLC	dashtigers@donuts.co
181	1-1548-63140	Victor Dale, LLC	victordale@donuts.co
182	1-1552-8006	Victor Frostbite, LLC	victorfrostbite@donuts.co
183	1-1555-40996	John Goodbye, LLC	johngoodbye@donuts.co
184	1-1553-52336	Victor Way, LLC	victorway@donuts.co
185	1-1557-30317	Fern Pass, LLC	fernpass@donuts.co
186	1-1556-47497	Lone Hollow, LLC	lonehollow@donuts.co
187	1-1560-69674	Grand Glen, LLC	grandglen@donuts.co
188	1-1561-23663	Steel Hill, LLC	steelhill@donuts.co
189	1-1563-40885	Dog Beach, LLC	dogbeach@donuts.co
190	1-1566-85057	Pixie North, LLC	pixienorth@donuts.co
191	1-1567-79679	Outer McCook, LLC	outermccook@donuts.co
192	1-1564-75367	Outer Gardens, LLC	outergardens@donuts.co
193	1-1570-42842	New Frostbite, LLC	newfrostbite@donuts.co
194	1-1571-12951	Victor Cross, LLC	victorcross@donuts.co
195	1-1572-10553	Trixy Manor, LLC	trixymanor@donuts.co
196	1-1573-27315	Hidden Bloom, LLC	hiddenbloom@donuts.co
197	1-1575-53902	Grand Turn, LLC	grandturn@donuts.co
198	1-1574-83272	Bitter Frostbite, LLC	bitterfrostbite@donuts.co
199	1-1579-33517	Silver Tigers, LLC	silvertigers@donuts.co
200	1-1576-29395	Magic Glen, LLC	magicglen@donuts.co
201	1-1577-85976	Sea Goodbye, LLC	seagoodbye@donuts.co
202	1-1578-44109	John Island, LLC	johnisland@donuts.co
203	1-1582-80831	Wild Frostbite, LLC	wildfrostbite@donuts.co
204	1-1581-70192	Sugar Glen, LLC	sugarglen@donuts.co
205	1-1580-67148	Sea Corner, LLC	seacorner@donuts.co
206	1-1585-29698	Foggy Sky, LLC	foggysky@donuts.co
207	1-1583-6697	Foggy Moon, LLC	foggymoon@donuts.co
208	1-1584-14507	Snow Galley, LLC	snowgalley@donuts.co
209	1-1586-62771	Spring Tigers, LLC	springtigers@donuts.co
210	1-1589-56456	Sugar Mill, LLC	sugarmill@donuts.co

211	1-1587-4615	Binky Mill, LLC	binkymill@donuts.co
212	1-1590-83448	Magic Birch, LLC	magicbirch@donuts.co
213	1-1588-73251	Big Pass, LLC	bigpass@donuts.co
214	1-1588-73251	Steel Goodbye, LLC	steelgoodbye@donuts.co
215	1-1594-21696	Black Orchard, LLC	blackorchard@donuts.co
216	1-1593-8224	Tin Dale, LLC	tindale@donuts.co
217	1-1597-13898	New North, LLC	newnorth@donuts.co
218	1-1598-77594	Dash Bloom, LLC	dashbloom@donuts.co
219	1-1603-97736	Grand Island, LLC	grandisland@donuts.co
220	1-1595-97277	Steel Keep, LLC	steelkeep@donuts.co
221	1-1606-68851	New Cypress, LLC	newcypress@donuts.co
222	1-1604-36499	Pearl Town, LLC	pearltown@donuts.co
223	1-1600-90191	Big Hollow, LLC	bighollow@donuts.co
224	1-1611-39225	Lone Sunset, LLC	lonesunset@donuts.co
225	1-1615-74729	Binky Glen, LLC	binkyglen@donuts.co
226	1-1610-3807	Snow Avenue, LLC	snowavenue@donuts.co
227	1-1607-34771	Extra Cover, LLC	extracover@donuts.co
228	1-1131-85666	Ruby Moon, LLC	rubymoon@donuts.co
229	1-1612-2805	Atomic Cross, LLC	atomiccross@donuts.co
230	1-1616-69474	Snow Park, LLC	snowpark@donuts.co
231	1-1617-57149	Half Bloom, LLC	halfbloom@donuts.co
232	1-1618-18834	Outer Orchard, LLC	outerorchard@donuts.co
233	1-1624-75239	Delta Orchard, LLC	deltaorchard@donuts.co
234	1-1622-67844	Little Galley, LLC	littlegalley@donuts.co
235	1-1627-1624	Outer Moon, LLC	outermoon@donuts.co
236	1-1626-61742	Bitter McCook, LLC	bittermccook@donuts.co
237	1-1625-43519	Fern Trail, LLC	fertrail@donuts.co
238	1-1628-41321	Fox Castle, LLC	foxcastle@donuts.co
239	1-1630-4186	Binky Galley, LLC	binkygalley@donuts.co
240	1-1632-57390	Sugar Maple, LLC	sugarmaple@donuts.co
241	1-1631-16988	Sea Tigers, LLC	seatigers@donuts.co
242	1-1633-36635	Snow Beach, LLC	snowbeach@donuts.co
243	1-1634-15520	Fern Madison, LLC	fernmadison@donuts.co
244	1-1637-12997	Corn Mill, LLC	cornmill@donuts.co
245	1-1636-27531	Wild Lake, LLC	wildlake@donuts.co
246	1-1635-18982	Foggy Shadow, LLC	foggyshadow@donuts.co

247	1-1621-97265	Over Birch, LLC	overbirch@donuts.co
248	1-1623-664	Ruby Town, LLC	rubytown@donuts.co
249	1-1620-15722	Silver Cover, LLC	silvercover@donuts.co
250	1-1619-92115	Foggy Sunset, LLC	foggysunset@donuts.co
251	1-1614-27785	Steel Edge, LLC	steedge@donuts.co
252	1-1613-64465	Extra Beach, LLC	extrabeach@donuts.co
253	1-1609-60839	Sand Dale, LLC	sanddale@donuts.co
254	1-1608-9291	Spring Goodbye, LLC	springgoodbye@donuts.co
255	1-1605-75916	Romeo Birch, LLC	romeobirch@donuts.co
256	1-1602-30813	Binky Moon, LLC	binkymoon@donuts.co
257	1-1596-35125	Dog Bloom, LLC	dogbloom@donuts.co
258	1-1601-42282	Atomic Fields, LLC	atomicfields@donuts.co
259	1-1591-23028	Half Falls, LLC	halffalls@donuts.co
260	1-1568-22230	Grand Orchard, LLC	grandorchard@donuts.co
261	1-1569-96051	Tin Avenue, LLC	tinavenue@donuts.co
262	1-1565-27165	Dash Cypress, LLC	dashcypress@donuts.co
263	1-1562-9879	Storm Orchard, LLC	stormorchard@donuts.co
264	1-1558-74769	Pine Falls, LLC	pinefalls@donuts.co
265	1-1559-19356	Atomic Lake, LLC	atomiclake@donuts.co
266	1-1554-19894	Lone Moon, LLC	lonemoon@donuts.co
267	1-1639-5968	Auburn Falls, LLC	auburnfalls@donuts.co
268	1-1640-29241	Cotton Bloom, LLC	cottonbloom@donuts.co
269	1-1641-67063	Blue Tigers, LLC	bluetigers@donuts.co
270	1-1638-77826	Atomic McCook, LLC	atomicmccook@donuts.co
271	1-1646-17411	Victor Manor, LLC	victormanor@donuts.co
272	1-1644-52968	Corn Willow, LLC	cornwillow@donuts.co
273	1-1645-45928	Dog Edge, LLC	dogedge@donuts.co
274	1-1643-67659	Pearl Woods, LLC	pearlwoods@donuts.co
275	1-1653-6258	Pioneer North, LLC	pioneernorth@donuts.co
276	1-1648-61876	Sugar Station, LLC	sugarstation@donuts.co
277	1-1655-79604	Koko Moon, LLC	kokomoon@donuts.co
278	1-1650-66027	Pioneer Orchard, LLC	pioneerorchard@donuts.co
279	1-1654-94203	Little Manor, LLC	littlemanor@donuts.co
280	1-1652-41660	Wild Willow, LLC	wildwillow@donuts.co
281	1-1656-46642	Boss Castle, LLC	bosscastle@donuts.co
282	1-1651-77163	Little Station, LLC	littlestation@donuts.co

283	1-1647-84596	Atomic Tigers, LLC	atomictigers@donuts.co
284	1-1649-44756	Binky Lake, LLC	binkylake@donuts.co
285	1-1642-14231	Wild Dale, LLC	wilddale@donuts.co
286	1-1629-12298	Black Madison, LLC	blackmadison@donuts.co
287	1-1480-90854	Lone Tigers, LLC	lonetigers@donuts.co
288	1-1537-30547	New Sky, LLC	newsky@donuts.co
289	1-1538-23177	Holly Shadow, LLC	hollyshadow@donuts.co
290	1-1532-71538	John Corner, LLC	johncorner@donuts.co
291	1-1533-53706	Koko Station, LLC	kokostation@donuts.co
292	1-1530-99208	Double Falls, LLC	doublefalls@donuts.co
293	1-1529-46197	Ruby House, LLC	rubyhouse@donuts.co
294	1-1528-66412	Sand Shadow, LLC	sandshadow@donuts.co
295	1-1527-54849	Ruby Glen, LLC	rubyglen@donuts.co
296	1-1524-44846	Fern Edge, LLC	fernedge@donuts.co
297	1-1519-43980	Wild Madison, LLC	wildmadison@donuts.co
298	1-1515-14214	June Station, LLC	junestation@donuts.co
299	1-1518-50195	Little Dynamite, LLC	littledynamite@donuts.co
300	1-1504-13424	Bitter Fields, LLC	bitterfields@donuts.co
301	1-1508-57100	Hidden Way, LLC	hiddenway@donuts.co
302	1-1502-54392	Victor Falls, LLC	victorfalls@donuts.co
303	1-1503-89379	Outer Falls, LLC	outerfalls@donuts.co
304	1-1495-41000	Dash McCook, LLC	dashmccook@donuts.co
305	1-1490-59840	Wild Island, LLC	wildisland@donuts.co
306	1-1491-83816	Will Bloom, LLC	willbloom@donuts.co
307	1-1485-72605	Spring Fields, LLC	springfields@donuts.co

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	GEA Group Aktiengesellschaft
Application ID	1-1337-68453
Applied for TLD (string)	GEA

Response:

GEA Group Aktiengesellschaft (“GEA” in the following) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

GEA welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .GEA by GEA

GEA would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights. In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.

- To foster diversity, encourage competition, and enhance the utility of the DNS.

- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by GEA for .GEA based on General Safeguards

GEA, the applicant for the .GEA top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - GEA will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. GEA will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - GEA will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, GEA will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If GEA identifies security risks that

GAC Advice Response Form for Applicants



pose an actual risk of harm, GEA will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - GEA will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. GEA will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - GEA will ensure that there is a mechanism for making complaints to GEA that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, GEA shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

GEA would like to note that registration policies will be setup according to this request.

GEA would like to note that .GEA is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore GEA would like to state that .GEA is not in the public interest, but a representation of Intellectual property rights of GEA.

However GEA reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1417-1788
Applied for TLD (string)	.TOUR

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .TOUR application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .TOUR

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .TOUR, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .TOUR string under the Intellectual Property category. It is our belief the safeguard advice the GAC has is already addressed in our application for .TOUR. The following table outlines the GAC's safeguard advice and how our .TOUR application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .TOUR application. The .TOUR TLD targets offerings related to travel tours and tourism. We do not expect registrants of the .TOUR TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.
5	Registry will require registrants to provide	During the registration process, registrants

	<p>a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.</p>	<p>are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."</p>
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .TOUR and Category 2.1 Safeguard Advice for .TOUR

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .TOUR string.

CRR's application for .TOUR is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .TOUR community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .TOUR. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.
- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .TOUR application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1417-16218
Applied for TLD (string)	.BABY

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .BABY application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .BABY

CRR notes .BABY is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .BABY is an open TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our open TLD model means the TLD is open to all ICANN-accredited registrars, and registration of domain names in the TLD will be open to all. Therefore, it is our belief that CRR's application for .BABY is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .BABY application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .BABY applications that are limited to the exclusive use of the applicant. As described above, CRR's .BABY application does not meet this definition. Therefore, we respectfully request that CRR's application for .BABY not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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	Charleston Road Registry
Applicant ID	1-1139-21220
Applied for TLD (string)	.LLC

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .LLC application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .LLC

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .LLC, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .LLC string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has already addressed in our application for .LLC. The following table outlines the GAC's safeguard advice and how our .LLC application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .LLC application. The .LLC TLD targets verified limited liability companies. We do not expect registrants of the .LLC TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .LLC and Category 2.1 Safeguard Advice for .LLC

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .LLC string.

CRR's application for .LLC is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .LLC community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .LLC. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .LLC application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1417-46480
Applied for TLD (string)	.MAP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .MAP application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .MAP

CRR notes .MAP is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .MAP is a restricted access TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to anyone using the domain for a specific type of service/content. Therefore, it is our belief that CRR's application for .MAP is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .MAP application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .MAP applications that are limited to the exclusive use of the applicant. As described above, CRR's .MAP application does not meet this definition. Therefore, we respectfully request that CRR's application for .MAP not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1417-47872
Applied for TLD (string)	.SHOW

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .SHOW application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .SHOW TLD

CRR has stated in its response to question 18(a), Mission/Purpose of the proposed gTLD states:

The proposed gTLD will provide the marketplace with direct association to the term, "show." The mission of this gTLD, .show, is to provide a dedicated domain space in which registrants can enact second level domains that provide content relating to live shows, theatre, dance, or musical performances. This mission will enhance consumer choice by providing new availability in the second level domain space, creating new layers of organization on the Internet, and signaling the kind of content available in the domain. Charleston Road Registry believes that registrants will find value in associating with this gTLD, which could have a vast array of purposes for businesses, or individuals seeking to associate with the term "show" for Internet-based gaming.

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .SHOW Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards should apply to the .SHOW string under the Intellectual Property Category. It is our belief the safeguard advice the GAC has requested for this string does not apply to CRR's application for .SHOW as "show" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "show" is a generic word that is not directly related to any particular type of intellectual property. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that

CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .SHOW

CRR notes .SHOW is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .SHOW is an open TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our open TLD model means the TLD is open to all ICANN-accredited registrars, and registration of domain names in the TLD will be open to all. Therefore, it is our belief that CRR's application for .SHOW is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its application for .SHOW should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. Therefore, we respectfully request that CRR's application for .SHOW not be included on the list subject to Category 1 safeguard advice from the GAC. In addition, because our application for .SHOW is a restricted access TLD model and not an exclusive access TLD model it is our belief that CRR's application for .SHOW is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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	Discover Financial Services
Application ID	1-1439-20671
Applied for TLD (string)	cashbackbonus

Response:

1 Introduction

The Governmental Advisory Committee (“GAC”) has issued advice to the ICANN Board of Directors regarding new gTLD applications. Among other things, the GAC has recommended specific Safeguard Advice for multiple categories of strings. One such category is financial strings like .finance, .bank, .creditcard, and .insurance. The GAC has identified the application for .CASHBACKBONUS filed by Discover Financial Services (“Discover”) (Application ID 1-1439-20671) (the “Application”) as one of the financial strings to which Safeguard Advice should apply. Discover submits the following information to the ICANN Board of Directors in response to the Safeguard Advice for .CASHBACKBONUS.

As an initial matter, Discover fully supports the GAC’s Safeguards and agrees that strings linked to regulated or professional sectors should operate in accordance with applicable laws. Discover also agrees that such strings are likely to involve a level of implied trust from consumers and carry higher levels of risk associated with consumer harm. As a result, Discover promotes the GAC’s Safeguard Advice as it applies to open registries. Discover notes, however, that its Application for .CASHBACKBONUS is for a single-registrant, single-user, brand registry that will not be made available to third parties. As a result, the specific Safeguard Advice set forth by the GAC meant to inform, instruct, and bind third parties is inapplicable to Discover’s Application. In addition, all of the Safeguard Advice will be met through the very operation of a single-registrant, single-user registry.

2 The .CASHBACKBONUS Registry Is Based on Existing, Incontestable Trademark Rights Identical to the Registry String.

Unlike the other strings identified by the GAC for the financial group, the .CASHBACKBONUS string is based on Discover’s existing trademark rights. The Application expressly states that the

string is one of Discover's core brands (see, e.g., response to Question 18(a)). For example, Discover owns a United States trademark registration for CASHBACK BONUS for use with "offering a purchase rebate program for credit card users" (U.S. Registration No. 1,538,444). Discover has been using the CASHBACK BONUS trademark in United States commerce since at least as early as July 15, 1986. Its U.S. registration for CASHBACK BONUS registered on May 9, 1989, and it now enjoys incontestable status. Attached hereto as Exhibit A is a true and correct screenshot of the United States Patent & Trademark Office database showing the current status of its incontestable registration for CASHBACK BONUS. Therefore, it appears that Discover's Application was incorrectly included in GAC Advice for generic TLDs. Nevertheless, as all of the GAC Safeguards will be satisfied by the operation of a single-registrant, single-user, brand registry, Discover will address each Safeguard and how it will be met by the very operation of its registry.

3 The GAC Safeguards Will Be Satisfied by the Nature of the .CASHBACKBONUS Registry.

As stated throughout Discover's Application, the .CASHBACKBONUS TLD will be a single-registrant, single-user, brand registry. The intended mission and purpose of the .CASHBACKBONUS TLD is to serve as a trusted, secure, and intuitive namespace for consumers to actively view Discover's CASHBACK BONUS-related products, services, and information, interact with peers regarding Discover's offerings, and purchase authentic Discover products and services at trusted and secure sites. In addition, the .CASHBACKBONUS TLD will provide a secure platform for Discover to directly communicate with consumers through a recognizably secure top-level domain (see, e.g., response to Question 18(a)). To support these initiatives, as well as maintain the integrity of its underlying trademark, it is essential that Discover—and only Discover—register all second-level domain names within the TLD. Furthermore, Discover's business objective is not to sell second-level domain names as a source of funding or otherwise. Rather, the .CASHBACKBONUS registry is intended to supplement Discover's existing business activities, namely, operation of a financial services organization. Accordingly, as explained in more detail below, each GAC Safeguard will be satisfied by Discover's operation of a single-registrant, single-user, brand registry.

3.1 Safeguard One: Each registry operator will include in its acceptable use policy that registrants 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.

Discover understands that this Safeguard is intended to bind third-party second-level domain name registrants who will not have contracts with ICANN nor any other regulatory schemes to cover the operation of their second-level domains. In this case, however, Discover will be the only second-level domain name registrant in the .CASHBACKBONUS registry, and Discover will already be bound to comply with all applicable laws in its operation of the registry pursuant to its Registry Agreement. Without any third-party second-level domain name registrants in the .CASHBACKBONUS registry, there will be no third parties for Discover to bind pursuant to an acceptable use policy. Moreover, it is unnecessary for Discover to bind itself to terms already contained in the Registry Agreement with ICANN. In addition, Discover must comply with an array of laws, regulations, and guidelines as a publicly-traded financial services company in the highly regulated financial industry. Therefore, Safeguard One will be satisfied in

GAC Advice Response Form for Applicants



.CASHBACKBONUS by both the operation of the registry as well as existing agreements with ICANN and other regulatory structures.

3.2 Safeguard Two: Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Discover understands this Safeguard to require a notification system to third-party second-level domain name registrants regarding the requirements of Safeguard One. In this case, however, there will be no third-party second-level domain name registrants. As a result, it is unnecessary for Discover to require its registrars to advise Discover of Safeguard One. This circular result demonstrates why Safeguard Two does not apply to single-registrant, single-user, brand registries such as .CASHBACKBONUS. Therefore, Safeguard Two is inapplicable to a single-registrant, single-user, brand registry and will be satisfied by operation of .CASHBACKBONUS.

3.3 Safeguard Three: Registry operators will require 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 and recognized industry standards.

Discover understands that this Safeguard is intended to bind third-party second-level domain name registrants who will not have contracts with ICANN nor any other regulatory schemes to cover the operation of their second-level domains. However, because Discover will be the only registrant in the .CASHBACKBONUS registry, there will be no third-party registrants who collect sensitive health or financial information. Moreover, Discover—the only second-level domain name registrant—will be bound by the Registry Agreement and all applicable laws and regulations. In fact, Discover filed the Application for .CASHBACKBONUS to fortify its current data privacy and security efforts. As stated in the Application, the .CASHBACKBONUS TLD will provide enhanced protection against the security risks that are inherently heightened within the online financial services community (see, e.g., response to Question 18(b)(1)). Therefore, Safeguard Three will be satisfied by the very operation of .CASHBACKBONUS.

3.4 Safeguard Four: Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

As a publicly-traded financial services company, Discover already has working relationships with the various regulatory bodies relevant to its business. Furthermore, the risks of fraudulent and illegal activities underscore one of the primary purposes of the .CASHBACKBONUS TLD—to create a secure and trusted online environment for Discover's customers. In fact, operation of .CASHBACKBONUS will be part of Discover's comprehensive strategy to mitigate the risks of fraudulent activities. Therefore, Safeguard Four is already required by existing regulatory schemes, is currently met, and will be satisfied by the operation of .CASHBACKBONUS.

3.5 Safeguard Five: Registrants must be required by the registry operators to notify to them a single point of contact 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.

Discover understands this Safeguard to require third-party second-level domain name registrants to provide up-to-date contact information for a single point of contact and the relevant regulatory bodies. In this case, however, there will be no third-party second-level domain name registrants. Rather, Discover will be the only registrant in the .CASHBACKBONUS registry. As a result, it is unnecessary for Discover to notify itself of its own contact information. Likewise, Discover has well-established relationships with the various regulatory bodies relevant to its business, and it is not necessary for Discover to advise itself of the contact information for these regulatory bodies. Indeed, this illogical result shows that Safeguard Five, like the other Safeguards before it, does not apply to single-registrant, single-user, brand registries such as .CASHBACKBONUS.

In addition to the five Safeguards above, the GAC has identified three additional Safeguards that should apply to strings associated with market sectors with clear and/or regulated entry requirements. For the reasons stated herein, Discover is distinct from the other strings identified in the financial group. Nevertheless, the operation of .CASHBACKBONUS as a single-registrant, single-user, brand registry will also ensure that the three additional Safeguards are satisfied as explained here.

3.6 Safeguard Six: At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

Discover understands this Safeguard to require third-party second-level domain name registrants to prove that they are legitimate and licensed institutions in the relevant sector. Discover fully agrees that all registrants in financial TLDs should be required to verify that they are legitimate institutions in the relevant sector. However, because Discover will be the only second-level domain name registrant in the .CASHBACKBONUS registry, it is unnecessary for Discover to verify and validate its own credentials. Also, since there will be no third-party second-level domain name registrants in .CASHBACKBONUS, Discover will not need to validate any third-party credentials. Therefore, Safeguard Six is inapplicable to a single-registrant, single-user, brand registry and will be satisfied by operation of .CASHBACKBONUS.

3.7 Safeguard Seven: In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

Discover understands this Safeguard to require registry operators to consult with relevant authorities if such registry operators have any doubts about the credentials submitted by third-party second-level domain name registrants pursuant to Safeguard Six. Discover agrees that registry operators would benefit from consultation with relevant authorities when reviewing third-party credentials. However, in this case, Discover will not be reviewing third-party credentials since .CASHBACKBONUS will be a single-registrant, single-user registry. Therefore, Safeguard Seven is inapplicable to a single-registrant, single-user, brand registry and will be satisfied by the operation of .CASHBACKBONUS.

3.8 Safeguard Eight: The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements in order to ensure they

GAC Advice Response Form for Applicants



continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve.

Discover understands this Safeguard to require registry operators to periodically verify that all third-party second-level domain name registrants are in compliance with relevant regulations and licensing requirements. In this case, Discover will be the only registrant in the .CASHBACKBONUS registry, and there will be no third-party registrants. Therefore, it is unnecessary for Discover to verify its own continued compliance with all pertinent laws and regulations. As a publicly-traded financial services company, Discover is required to maintain its good standing with all relevant authorities and regulatory bodies. Moreover, under the Registry Agreement to be executed with ICANN, Discover must represent and warrant that it is in good standing under the laws of the United States (see Paragraph 1.3(a)(ii)). Accordingly, Safeguard Eight is inapplicable to a single-registrant, single-user, brand registry and will be satisfied by the operation of .CASHBACKBONUS.

4 Conclusion

As stated herein and throughout the Application, the .CASHBACKBONUS registry will be a single-registrant, single-user, brand registry. Consequently, the nature of the .CASHBACKBONUS registry ensures that both the letter and intent of the GAC Safeguards will be satisfied through the very operation of the registry itself. Therefore, Discover submits to the ICANN Board of Directors that it should be excluded from the Safeguard Advice and requests that the Board respond to the GAC accordingly. Should any further information be needed, Discover requests that Outreach be conducted to the primary contact in this Application.

Exhibit A



United States Patent and Trademark Office

An Agency of the Department of Commerce

Trademark Status and Document Retrieval

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2 TSDR FAQs

USPTO > Trademark > TSDR > Trademark Search

USPTO will deploy a small maintenance release for Trademark Status and Document Retrieval (TSDR) system. Deployment will start at 10:00 p.m. on Friday, April 28 and end at 5:00 a.m. on Saturday, April 27. TSDR will be unavailable during the deployment period.

Trademark Status & Document Retrieval (TSDR) ?

SEARCH

MULTI-SEARCH ?

US Registration No

1538444

Status

Documents

Status results found

STATUS

DOCUMENTS ?

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Print Review

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Mark: CASHBACK BONUS

No image exists for this case.

US Serial Number: 73744513

Application Filing Date: Aug 08, 1988

US Registration Number: 1538444

Registration Date: May 09, 1989

Register: Principal

Mark Type: Service Mark

Status: This registration has been renewed

Status Date: Mar 30, 2009

Publication Date: Jan 24, 1989

Mark Information

Mark Literal Elements: CASHBACK BONUS

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S)/LETTER(S)/NUMBER(S)

Disclaimer: "CASHBACK"

Collaps All

▼ Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services

- Brackets [] indicate deleted goods/services
- Double parentheses () identify any goods/services not claimed in a Section 15 affidavit of
- Asterisk * identify additional (new) wording in the goods/services.

For: OFFERING A PURCHASE REBATE PROGRAM FOR CREDIT CARD USERS

International Class(es): 036 - Primary Class

U.S. Class(es): 101, 102

Class Status: ACTIVE

Basis: 1(a)

First Use: Jul 15, 1980

Use in Commerce: Jul 15, 1980

▼ Basis Information (Case Level)

Filed Use:	Yes	Currently Use:	Yes	Amended Use:	Yes
Filed ITU:	No	Currently ITU:	No	Amended ITU:	No
Filed 44D:	No	Currently 44D:	No	Amended 44D:	No
Filed 44E:	No	Currently 44E:	No	Amended 44E:	No
Filed 56A:	No	Currently 56A:	No		
Filed No Basis:	No	Currently No Basis:	No		

▼ Current Owner(s) Information

Owner Name: DISCOVER FINANCIAL SERVICES

Owner Address: 2500 LAKE COOK ROAD
RIVERWOODS, ILLINOIS 60015
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where Organized: DELAWARE

▼ Attorney/Correspondence Information

Attorney of Record

Attorney Name: Sujata Chaudhri
Attorney Primary Email: trademark@dl.com
Address:

Docket Number: 20033-005 SZ
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Sujata Chaudhri
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, NEW YORK 10036
UNITED STATES

Phone: 212-790-9200

Correspondent e-mail: trademark@dl.com

Fac: 212-575-0871
Correspondent e-mail Authorized: Yes

Domestic Representative - Not Found

▼ Prosecution History

Date	Description	Proceeding Number
Mar. 30, 2009	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	59136
Mar. 30, 2009	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC 9 GRANTED	
Mar. 26, 2009	ASSIGNED TO PARALEGAL	59126
Mar. 23, 2009	TEAS SECTION 8 & 9 RECEIVED	
Aug. 08, 2008	CASE FILE IN TIGRS	
Apr. 25, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 25, 2007	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Sep. 20, 2006	REVIEW OF CORRESPONDENCE COMPLETE	67149
Oct. 29, 2004	PAPER RECEIVED	
Oct. 27, 2004	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 21, 2003	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Oct. 06, 1995	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK	
Jan. 27, 1995	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 09, 1989	REGISTERED-PRINCIPAL REGISTER	
Jan. 24, 1989	PUBLISHED FOR OPPOSITION	
Dec. 27, 1988	NOTICE OF PUBLICATION	
Dec. 24, 1988	NOTICE OF PUBLICATION	
Oct. 11, 1988	APPROVED FOR PUB. - PRINCIPAL REGISTER	
Oct. 03, 1988	EXAMINER'S AMENDMENT MAILED	
Sep. 26, 1988	ASSIGNED TO EXAMINER	63030

▼ Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: May 09, 2009

▼ TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: Mar. 30, 2009

▼ Assignment Abstract of Title Information - Click to Load

▼ Proceedings - Click to Load

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- Federal Activities Inventory Reform (FAIR) Act
- Notification and Federal Employee Antidiscrimination and Retaliation (NoFEAR) Act
- Budget & Performance

- Freedom of Information Act (FOIA)
- Department of Commerce NoFEAR Act Report
- Regulations.gov
- STOPFakes.gov

- Strategy Targeting Organized Piracy (STOP)
- Information Quality Guidelines
- Department of Commerce
- USPTO Webmaster

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Piper Ventures, LLC
Application ID	1-1534-89307
Applied for TLD (string)	.FLOWERS

Response:

1-800-FLOWERS.COM, Inc. (“1-800-FLOWERS.COM”), on behalf of its wholly owned subsidiary, Piper Ventures, LLC (“Piper Ventures”), the applicant for the .FLOWERS gTLD, would like to affirm to the ICANN Board our commitment to operating the .FLOWERS gTLD in a manner that reflects our longstanding history of corporate responsibility.

1-800-FLOWERS.COM is the world’s leading florist and gift shop and offers a range of products including fresh-cut flowers, floral arrangements, plants, gift baskets, and other products and services. In addition to providing flowers and other gift products and services for customers, 1-800-FLOWERS.COM has helped florists expand their businesses globally via BloomNet®. BloomNet is a floral wire service provider that offers quality products and diverse services to a select network of professional retail florists who utilize BloomNet’s resources. As the leader in the flower retail industry, 1-800-FLOWERS.COM has been dedicated to helping professional florists and flower retail services thrive.

In line with 1-800-FLOWERS.COM’s overarching mission, Piper Ventures plans to operate the .FLOWERS gTLD with the aim of serving as a trusted, hierarchical, and intuitive online platform provided by 1-800-FLOWERS.COM and its qualified subsidiaries and affiliates for Internet users, consumers, retailers, and wholesalers in the flower industry to access 1-800-FLOWERS.COM content, services and information, as well as interact with each other within a verified and authoritative namespace. Piper Ventures will operate .FLOWERS as a closed registry to ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

GAC Advice Response Form for Applicants



In doing so, Piper Ventures aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee's Beijing Communiqué advises that "for strings representing generic terms, exclusive registry access should serve a public interest goal." In association with this recommendation, the Governmental Advisory Committee (GAC) identifies .FLOWERS as a generic string seeking exclusive registry access.

We hope this quells any concerns that the Board might have in connection with the .FLOWERS gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Piper Ventures' .FLOWERS application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Beijing Gamease Age Digital Technology Co. Ltd.
Application ID	1-1660-73645
Applied for TLD (string)	.GAME

Response:

Beijing Gamease Age Digital Technology Co. LTD (hereinafter CYOU) welcomes the opportunity to respond to the communiqué from ICANN's Government Advisory Committee dated 18-April-2013. While CYOU fully supports the principles regarding enhanced safeguards to protect consumers, CYOU respectfully submits that the GAC does not appear to fully appreciate the nuances of its application as set forth in detail below.

As a preliminary matter many of the safeguards the GAC is proposing because of its determination that .GAME falls within its self-created Classification #1 (Consumer Protection, Sensitive String, and Regulated Markets) are already provided for in its business model because of the proposed initial restricted use of the TLD by CYOU. However, in the very next section, the GAC further states that because .GAME falls within its second self-created Classification #2 (Restricted Access) it needs to serve a public interest. CYOU respectfully submits that if its business model protects consumers based on the criteria set forth in Classification #1 then it should be self-evident that it is serving a public interest.

CYOU does not deny that it is proposing to operate .GAME initially for the first three years in a very restricted fashion. However, CYOU is proposing this approach NOT to limit innovation and choice but to provide it the opportunity to best learn from other gTLD launches. By learning the best practices from other registry operators, CYOU is best positioned to serve as the trustee of the .GAME name space.

CYOU understands how the exclusive use of a generic term by a single entity could potentially give rise to public policy issues. However, CYOU respectfully points out that the exclusive use of the TLDs .GOV and .MIL by one government alone does not in and of itself conflict with the public interest. CYOU is headquartered in Beijing, China. To date most generic top level domains are owned and operated by Western centric entities, the only exception being .ASIA. CYOU believes that as a responsible corporate citizen it is well positioned to represent the

GAC Advice Response Form for Applicants



growing interest of businesses in the Asia Pacific region by serving as trustee of the .GAME name space.

CYOU also respectfully disagrees with the assessment with the GAC that .GAME is a string which inherently falls within the scope of requiring heightened intellectual property protection. CYOU is a publicly traded company with an extensive intellectual property portfolio, so it fully supports the need to protect/promote intellectual property rights. However, CYOU would appreciate the GAC providing further clarification of this designation. As noted above, because of CYOU's proposed use of .GAME in a restricted fashion all consumer safeguards can be met. However, when CYOU begin to expand use of the .GAME after the initial launch it would better like to understand the GAC's thinking to ensure that appropriate consumer safeguards can be put in place.

Finally, CYOU would like to note that as a publicly traded company it takes very highly its obligations to operate in accordance with all application laws and regulations. Therefore, should CYOU's propose operation of the .GAME ever give rise to any particular legal issues (including competition issues), CYOU will work with the competitor to proactive resolve any issues.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Personals TLD Inc.
Application ID	1-1661-34613
Applied for TLD (string)	Blog

Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS Data at least twice a year. Registry Operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry Operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- ** Whois accuracy provisions
- ** Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators will maintain statistical reports that provide the number of inaccurate Whois records or security threats identified and actions taken as a result of its periodic Whois and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the Whois information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false Whois information and violations of the requirement that the domain name

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

GAC Advice Section titled Restricted Registration Policies Part 2: Exclusive Access

Response: We acknowledge and agree with the GAC's position that this string represents a generic term. As stated in our application, we do not intend to restrict access in this TLD exclusively to the Registry Operator.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 6 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.

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Respondent:

Applicant Name	Coupons.com Incorporated
Application ID	1-1668-71698
Applied for TLD (string)	.COUPONS

Response:

Coupons.com Incorporated would like to affirm to the ICANN Board our commitment to operating the .COUPONS gTLD in a manner that reflects our longstanding history of corporate responsibility.

At Coupons.com Incorporated, we are the leader in digital coupons, including online printable, social, mobile and loyalty card promotions, and we focus on transforming the multi-billion dollar coupon industry and ushering it into the digital world. Over the past 13 years, we have established strong connections with both product manufacturers and consumers, and we have gained the trust of our customers by consistently delivering safe and valuable digital coupons and offers over the Internet.

In line with our overarching mission, Coupons.com Incorporated plans to operate the .COUPONS gTLD “with the intention of bringing to market a trusted, hierarchical, and intuitive namespace for consumers to access content related to coupons worldwide.” Coupons.com Incorporated will operate .COUPONS as a closed registry. In doing so, we can ensure that all operations within the gTLD will be conducted in line with a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

In doing so, Coupons.com Incorporated aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

The Governmental Advisory Committee’s Beijing Communiqué advises that “for strings representing generic terms, exclusive registry access should serve a public interest goal.” In association with this recommendation, the Governmental Advisory Committee (GAC) identifies a non-exhaustive list of generic strings seeking exclusive registry access.

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While Coupons.com Incorporated's .COUPONS application was not explicitly named, we hope this addresses any concerns that the Board might have now or in the future in connection with the .COUPONS gTLD. We invite further dialogue with the Board if it has any concerns regarding Coupons.com Incorporated's .COUPONS application.

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Respondent:

Applicant Name	ARUBA S.p.A.
Application ID	1-1669-75338
Applied for TLD (string)	CLOUD

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué:

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to

add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it.

Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the

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cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

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Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Cecconi Stefano
ARUBA S.p.A.

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Respondent:

Applicant Name	Commonwealth Bank of Australia
Application ID	1-1672-75814
Applied for TLD (string)	.netbank

Response:

We support the advice contained in the GAC Beijing Communiqué - specifically the proposed safeguards contained in Annex 1.

We note that .netbank has been highlighted as a financial term that may be impacted by the proposed safeguards. We intend to manage .netbank as a closed registry to protect our online banking customers from phishing attacks or brand abuse (in relation to our NetBank online banking application), and we foresee no issues with complying with these safeguards.

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Respondent:

Applicant Name: EFLUX.ART, LLC

Application ID: 1-1675-51302

Applied for TLD (string): ART

Dear ICANN Board,

We refer to the Governmental Advisory Committee's (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. **WHOIS verification and checks:** considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. **Mitigating abusive activity:** considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. **Security checks:** we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;
4. **Documentation:** we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security

threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. **Making and handling complaints:** as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.
6. **Consequences:** we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Considering the fact that the .mutuelle gTLD also figures on the “Category 1” list, the GAC also requires an answer to the following additional safeguards:

1. Registry operators will include in its acceptable use policy that registrants 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.

The applicant will include these obligations in its acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

The applicant will include a provision to this effect in its registry-registrar agreement.

3. Registry operators will require that registrants who collect and maintain sensitive health information and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.

The applicant will provide for a clause to this effect in its domain name registration terms and conditions.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities

As we did in the past, we will continue to work closely with representative organizations in order to provide processes and procedures in order to mitigate the risks of fraudulent and other illegal activities, and provide for clear and swift safeguards in the event such activities occur.

5. Registrants must be required by the registry operators to notify them a single point of contact 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.

We will include such a requirement in our domain name registration terms and conditions, and implement a process to this effect.

Respectfully submitted,

Anton Vidokle

A handwritten signature in black ink, appearing to read 'Anton Vidokle', with a long horizontal flourish extending to the right.

EFLUX.ART, LLC
311 East Broadway
NYC NY 10002

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1678-4292
Applied for TLD (string)	.MBA

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .MBA application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Education
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .MBA

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .MBA, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .MBA string under the Education category. It is our belief the safeguard advice the GAC has is already addressed in our application for .MBA. The following table outlines the GAC's safeguard advice and how our .MBA application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .MBA application. The .MBA TLD targets only verified MBA-awarding institutions and MBA-related product and service providers. We do not expect registrants of the .MBA TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory or self-regulatory bodies to establish these policies, and in some cases we expect to continue to work with these

		bodies as a part of the verification process.
5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	<p>During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse.</p> <p>Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."</p>

CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .MBA and Category 2.1 Safeguard Advice for .MBA

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .MBA string.

CRR's application for .MBA is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .MBA community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in

order to register a second-level domain in .MBA. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .MBA application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of

our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC ADVICE RESPONSE FORM FOR APPLICANTS

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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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1678-17174
Applied for TLD (string)	.ZIP

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .ZIP application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .ZIP TLD

CRR has stated in its response to question 18(a), Mission/Purpose of the proposed gTLD states:

The proposed gTLD will provide the marketplace with direct association to the term, "zip," which is often colloquially used to refer to a zip drive, a device used for digital storage. The mission of the proposed gTLD, .zip, is to provide a dedicated domain space in which registrants can enact second level domains that relate to digital storage offerings and information or provide storage or other services. This mission will enhance consumer choice by providing new availability in the second level domain space, creating new layers of organization on the Internet, and signaling the kind of content available in the domain. Charleston Road Registry believes that registrants will find value in associating with this gTLD, in particular those companies that offer cloud storage services, including major high tech and telecommunications players such as Amazon, HP, Microsoft, and AT&T.

Category 1 GAC Safeguard Advice Does Not Apply to CRR's .ZIP Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards should apply to the .ZIP string under the Intellectual Property Category. It is our belief the safeguard advice the GAC has requested for this string does not apply to CRR's application for .ZIP as "zip" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "zip" is a generic word that is not directly related to a specific type of intellectual property safeguards. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .ZIP should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .ZIP targets information about the colloquially used phrase to refer to a zip drive, a device used for digital storage, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property. Therefore, we respectfully request that CRR's application for .ZIP not be included on the list subject to Category 1 safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1680-18593
Applied for TLD (string)	.MUSIC

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .MUSIC application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .MUSIC

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .MUSIC, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .MUSIC string under the Intellectual Property category. It is our belief the safeguard advice the GAC has is already addressed in our application for .MUSIC. The following table outlines the GAC's safeguard advice and how our .MUSIC application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process...".
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.

<p>3</p>	<p>Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.</p>	<p>This advice is not applicable to our .MUSIC application. The .MUSIC TLD targets content or offerings related to the music within that dedicated domain space. We do not expect registrants of the .MUSIC TLD to have commercial access to sensitive health and/or financial data.</p>
<p>4</p>	<p>Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.</p>	<p>CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.</p>
<p>5</p>	<p>Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.</p>	<p>During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse.</p> <p>Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to</p>

		<p>confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information.” ~and~ “CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data.”</p>
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CRR’s Response to Category 1.1 GAC’s Further Safeguard Advice for .MUSIC and Category 2.1 Safeguard Advice for .MUSIC

Apart from the safeguards CRR has outlined above in order to address the GAC’s specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .MUSIC string.

CRR’s application for .MUSIC is a “restricted access TLD model”. Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .MUSIC community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .MUSIC. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.
- *Rights Protection Mechanisms:* As set forth below in our discussion of additional

safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .MUSIC

CRR notes .MUSIC is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .MUSIC is a restricted access TLD model and not an exclusive

access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our restricted access model means the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to any registrant who meets restriction guidelines. Therefore, it is our belief that CRR's application for .MUSIC is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .MUSIC application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. In addition, because our application for .MUSIC is a restricted access TLD model and not an exclusive access TLD model it is our belief that CRR's application for .MUSIC is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1680-47770
Applied for TLD (string)	.BLOG

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory

Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .BLOG application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR’s Response to Category 2.2 - Exclusive Access Safeguard Advice for .BLOG

CRR notes .BLOG is a listed string under the GAC’s Category 2.2 Exclusive Access safeguard advice. Our application for .BLOG was originally submitted to ICANN as an exclusive access TLD. On March 7, 2013 CRR submitted [Public Comments](#) responding to the Board’s request for input on “Closed Generic” applications. On page seven of our public comments, we acknowledge the concerns around “closed-generics” and state: “we intend to work with ICANN, the Government Advisory Committee (GAC), and other members of the relevant communities to amend our applications” to address these concerns. Further, on April 6, 2013, CRR sent a [letter](#) to Christine Willett, ICANN’s New gTLD Program General Manager, stating our plan to amend our .BLOG application from an exclusive access model to a restricted access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant, whereas under our restricted access model the TLD is open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to anyone using a blogging platform that complies with our published technical requirements. Therefore, it is our belief that CRR’s application for .BLOG is not a member of the GAC’s Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .BLOG application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .BLOG applications that are limited to the exclusive use of the applicant. As described above, CRR's .BLOG application does not meet this definition. Therefore, we respectfully request that CRR's application for .BLOG not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1681-60225
Applied for TLD (string)	.STORE

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points made in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns described in Section IV, Annex I, Category 2.2 – Exclusive Access for CRR’s .STORE application.

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 2.2 - Exclusive Access Safeguard Advice for .STORE

CRR notes .STORE is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. Our application for .STORE is an open TLD model and not an exclusive access TLD model. Exclusive access model means the TLD is limited to the exclusive use of the applicant whereas our open TLD model means the TLD is open to all ICANN-accredited registrars, and registration of domain names in the TLD will be open to all. Therefore, it is our belief that CRR's application for .STORE is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

Conclusion

CRR believes its .STORE application does not fall under Category 2 - Exclusive Access safeguard advice. It is our understanding that Category 2 - Exclusive Access safeguard advice addresses GAC concerns around .STORE applications that are limited to the exclusive use of the applicant. As described above, CRR's .STORE application does not meet this definition. Therefore, we respectfully request that CRR's application for .STORE not be considered a member of the GAC's list of applications subject to Category 2 - Exclusive Access safeguard advice.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1681-77547
Applied for TLD (string)	.SRL

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .SRL application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .SRL

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .SRL, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .SRL string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has already addressed in our application for .SRL. The following table outlines the GAC's safeguard advice and how our .SRL application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .SRL application. The .SRL TLD will be targeted at international businesses. We do not expect registrants of the .SRL TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .SRL and Category 2.1 Safeguard Advice for .SRL

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .SRL string.

CRR's application for .SRL is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .SRL community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .SRL. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .SRL application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1682-34664
Applied for TLD (string)	.GMBH

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .GMBH application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .GMBH

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .GMBH, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .GMBH string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .GMBH. The following table outlines the GAC's safeguard advice and how our .GMBH application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process..."
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .GMBH application. The .GMBH TLD targets verified, legitimate GmbHs. We do not expect registrants of the .GMBH TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .GMBH and Category 2.1 Safeguard Advice for .GMBH

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .GMBH string.

CRR's application for .GMBH is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .GMBH community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .GMBH. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .GMBH application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry Inc.
Applicant ID	1-1683-17546
Applied for TLD (string)	.PLAY

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .PLAY application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Children Category

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

Purpose of the .PLAY TLD

CRR response to question 18(a), Mission/Purpose of the Proposed gTLD states:

The sole purpose of the proposed gTLD, .play, is to host Google Play store content. The proposed gTLD will introduce a dedicated Internet space in which Google Play distributors can link to the content hosted on their respective Google Play page. Second-level domains in the proposed gTLD, .play, will automatically be delegated to Google DNS servers, which will in turn provide authoritative DNS responses pointing the user's web browsers to Google Play. The mission of the proposed gTLD is to strengthen the brand relationship between Google Play and its content partners and to simplify the Google Play user experience. Google Play intends to provide select content distributors with the ability to manage a .play domain (e.g., artistname.play) and to host easy-to-remember URLs that point to a Google Play artist page or specific offering.

CRR is a wholly owned by Google Inc., a US-based multinational public corporation and global technology leader focused on improving the ways its hundreds of millions of users connect with information. Google Play is a product of Google that allows users to browse and download music, magazines, books, movies, television programs, and applications published through Google. Google Play is Google's online store for a variety of forms of media and other online content. Users can also purchase [Chromebooks](#) and [Google Nexus](#)-branded mobile devices through Google Play. Applications are available either for free or at a cost. They can be downloaded directly to an Android or [Google TV](#) device through the Play Store mobile app, or by [deploying](#) the application to a device from the [Google Play website](#).

Why Category 1 GAC Safeguard Advice Does Not Apply to CRR's .PLAY Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections. Category 1 safeguard advice suggests additional safeguards should apply to the .PLAY string under the Children Category. Based on the above stated purpose of CRR's application for the .PLAY TLD, it is our position that the safeguard advice provided by the GAC does not apply for three main reasons. First, .PLAY is not part of a regulated or professional sector invoking a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. Second, the sole purpose of the .PLAY TLD is to host our Google Play store content and while end users may have the ability to manage content on a .PLAY second-level domain name they must do so as a part of the Google Play product, which Google will solely manage. Third, .PLAY is not targeting children nor is its intended use targeting children. In fact, Google Play already offers a feature to parents providing them with the ability to filter and lock apps by maturity level to prevent children from accessing inappropriate material. In this context, "Play" has a well understood meaning unrelated to children or content that would be targeted by children, and neither parents nor

children are likely to be confused or harmed by the type of content offered on the TLD without the need for any particular safeguards.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its application for .PLAY should not be included on the GAC's list of applications subject to Category 1 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. CRR's .PLAY application intends to provide select Google Play content distributors with the ability to manage content on a .PLAY domain (e.g., artistname.play), and is not linked to any regulated or professional sector nor is it targeting children. Therefore, we respectfully request that CRR's application for .PLAY not be included on the list subject to Category 1 safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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, Annex I, and Annex II of the [GAC Beijing 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	DotHealth LLC
Application ID	1-1684-6394
Applied for TLD (string)	health

Response:

May 10, 2013

Response to the Government Advisory Committee (GAC) Advice Within the Beijing Communiqué issued on April 11, 2013

DotHealth, LLC applied to ICANN (Application ID: 1-1684-6394) to operate the .health new generic top level domain (TLD) Registry. We thank ICANN for the opportunity to submit these comments in response to the GAC Advice on safeguards applicable to new generic top-level domain names (gTLDs).

General Comments

The GAC considers that Safeguards should apply to broad categories of strings...in the current or future rounds, in all languages applied for. While the GAC’s intent to divide strings into categories is a noble effort, we believe that this is a difficult, if not impossible task to undertake in a fair, consistent, meaningful and transparent manner. Strings have multiple meanings, different applications to different users in different markets, etc. They do not easily fall into categories and therefore we are opposed to the categorization of strings.

The GAC with its very wide set of advice appears to contradict many of the principles and requirements set forth by ICANN in the Applicant Guidebook (“AGB”) for the gTLD program. If the board were to accept all the GAC advice this would materially impact applicants businesses including revenue and cost projections. The principles and rules developed by ICANN were developed during years of bottoms up consultation within the community and should be adhered to unless there is a compelling reason to deviate.

Applicants such as ourselves who have already identified the relevant issues for health and included a high degree of safeguards to protect health stakeholders ironically do not benefit from the GACs advice. Those applicants that have not taken similar steps apparently are now being given the opportunity to rewrite their applications in an attempt to gain competitive advantage.

Furthermore, requiring the implementation of these Safeguards as broadly proposed would go against the GAC's own established Principles Regarding New gTLDs, as published in March 2007 which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

In addition, the lack of specificity provided by the GAC in its advice implies that any proposed safeguard by an applicant – regardless of the level of impact and benefit of the safeguard, would all be judged equally by the GAC since no criteria or specificity has been offered.

The GAC advice appears to be written based on an incorrect assumption that the gTLD's applied for are the only gTLD's that exist around the world. This ignores the fact that today almost 250 TLD's are currently in operation with varying degrees of safeguards – most of which fall far short of the safeguards proposed by applicants in this gTLD application round. The implications of this fact, given that existing TLD's would not be subject to the vast majority of GAC advice, would set up a puzzling and inconsistent situation for worldwide Internet users. This is primarily because any TLD may be accessed by any user, in any geographic location.

Those individuals or entities that wish to circumvent newly established requirements could easily do so without constraint -- a fundamental reason why enforcing adherence to laws and regulations is not an appropriate role for a gTLD registry operator. Federal, state, and local authorities in combination with the appropriate regulatory agents in any given jurisdiction, industry, or market segment are empowered and expected to enforce regulations with the cooperation of the registry operator. The GAC advice turns this model on its head and we believe it represents an unworkable proposition.

Although the GACs intentions are laudable, similar efforts in the past by governments to hold telecommunications providers, search engines, network operators, cable and satellite television providers, etc. accountable for the activities and content produced and presented by others on such networks have generally been a failure.

Safeguards Applicable to all New gTLDs

The GAC has advised that six general Safeguards (#1-6) should apply to all new gTLDs and shall be subject to contractual oversight: 1) WHOIS verification and checks; 2) Mitigating abusive activities; 3) Security checks; 4) Documentation (of WHOIS records and other reports); 5) Making and Handling Complaints; and 6) Consequences (for registrants who violated policies).

GAC Advice Response Form for Applicants



DotHealth wishes to highlight the fact that in its application to ICANN for the .health TLD, DotHealth addresses each of the safeguards in some form, as standard policies or procedures, some of which we have contracted for through our Registry Service Provider, Neustar. In addition, DotHealth filed public interest commitments (PICs) for its application for .health, committing to the implementation of these types of safeguards.

As a prospective registry operator for the .health TLD, we have developed our own methodologies within ICANN policy guidelines and best practices for conducting security checks, maintaining statistical reports and addressing violations of their terms of service. Although we have committed to implementing these Safeguards, what we've proposed is what we believe is most appropriate and necessary for the stakeholders and use case for the .health gTLD. The GAC is not in a position to dictate the specific processes or methodologies. Registry operators should simply consult best practice and ICANN guidelines in order to implement the particular solutions that fit within the Registry's business model.

Safeguards 1-6

To further ensure the GAC has full clarity on our approaches for meeting its suggested requirements and commitments as they relate to the general safeguards as proposed, the following feedback and information have been provided:

-Recommended Safeguard #1: WHOIS Verification and Checks

The New gTLD Policy contains a variety of new, mandatory rights protection mechanisms for trademark owners. The goal of improved WHOIS accuracy in the new gTLD context has been the subject of intensive discussions and negotiations among registrars, the GAC, law enforcement, and the community for several years. Inspired, in part, by GAC demands and threats, registrars have spent countless hours over the last 18+ months working with ICANN and law enforcement to craft a Registrar Accreditation Agreement (RAA) for the New gTLD program. The draft agreement, which is now posted for public comment, addresses a long list of LEA and GAC requests and saddles registrars with significant new obligations related to verification and validation of WHOIS data. In addition, the new RAA already requires registrars to create audit trails so that ICANN can evaluate and hold registrars accountable for any failure to act on reports of missing, inaccurate, or incomplete WHOIS data.

Additionally, as specified in our application, DotHealth, LLC committed to regularly monitor registration data for accuracy and completeness, and establish policies and procedures to address domain names with inaccurate or incomplete WHOIS data in a manner consistent with the GAC Advice.

As a reminder, as described in our application response and answer to Question 28 (Abuse Prevention and Mitigation), and reinforced in our PIC's of March 5, 2013:

- DotHealth shall on its own initiative, no less than twice per year, perform a manual review of a random sampling of .health domain names to test the accuracy of the WHOIS information. DotHealth will examine the WHOIS data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the sponsoring Registrar, who shall be required to address those complaints with their registrants.

- Thirty days after forwarding the complaint to the registrar, the Applicant will examine the current WHOIS data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the Registrar has failed to take any action, or it is clear that the Registrant was either unwilling or unable to correct the inaccuracies, DotHealth shall reserve the right to suspend the applicable domain name(s) until such time as the Registrant is able to cure the deficiencies.

-GAC Recommended Safeguard #2: Mitigating Abusive Activity

An obligation to comply with applicable law is generally an imputed term in all agreements. Presumably, the GAC has made this recommendation because it intends to obligate registries to play a role in enforcing the terms and conditions of an agreement (the registrar-registrant agreement) to which it is not even a party. But participants in the RAA negotiations – including law enforcement – have acknowledged that registrars themselves will often lack both the facts and the legal expertise required to determine (a) what law applies to a particular registrant's conduct and (b) whether specific conduct is prohibited under the law that does apply. That is precisely why ICANN has adopted Consensus Policies such as the UDRP, Rapid Suspension, etc., which create expert bodies to evaluate registrant conduct in relationship to those policies (as opposed to the law of a particular sovereign). That is also why the rights protections mechanisms in the New gTLD Policy, as reflected in the Applicant Guidebook, do not impose this kind of operational responsibility on new gTLD registry operators. Indeed, the new RAA, which is extremely responsive to law enforcement recommendations, takes a different approach that reflects the appropriate role of registrars in supporting law enforcement activities by requiring dedicated points of contact, mandating specific data collection and retention practices, etc. But even that document - which has been the object of community discussion for nearly two years now - does not propose to deputize contracted parties to serve as extensions of law enforcement or the judicial system.

DotHealth re-affirms those commitments made in our application to ICANN for the .health TLD to ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

We also wish to reinforce that throughout our application to ICANN for the .health TLD, we have readily acknowledged that abusive practices and malicious behaviors including email spam, search-engine optimization, social network abuse, typo-squatting, and others are increasingly commonplace in the current landscape of online health, and potentially pose harm to consumers and other stakeholders in global health. Notably, the safeguards DotHealth has proposed for the .health TLD have been specifically identified to address these concerns, and which far surpass those that exist today in other current top level domains.

As described in our application response and answer to Question 28 (Abuse Prevention and Mitigation):

DotHealth will adopt and enforce compliance with an Acceptable Use Policy that clearly defines the types of activities that will not be permitted for users of the .health TLD. Each ICANN-

GAC Advice Response Form for Applicants



Accredited Registrar must agree to pass through the Acceptable Use Policy to its Resellers (if applicable) and ultimately to all .health registrants.

The following activities are subject to compliance with this policy:

- **Phishing:** the attempt to acquire personally identifiable information by masquerading as a website other than .health.
- **Pharming:** the redirection of Internet users to websites other than those the user intends to visit, usually through unauthorized changes to the Hosts file on a victim's computer or DNS records in DNS servers.
- **Dissemination of Malware:** the intentional creation and distribution of "malicious" software designed to infiltrate a computer system without the owner's consent, including, without limitation, computer viruses, worms, key loggers, and Trojans.
- **Fast Flux Hosting:** a technique used to shelter Phishing, Pharming and Malware sites and networks from detection and to frustrate methods employed to defend against such practices, whereby the IP address associated with fraudulent websites are changed rapidly so as to make the true location of the sites difficult to find.
- **Botnetting:** the development and use of a command, agent, motor, service, or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
- **Malicious Hacking:** the attempt to gain unauthorized access (or exceed the level of authorized access) to a computer, information system, user account or profile, database, or security system.
- **Child Pornography:** the storage, publication, display and/or dissemination of pornographic materials depicting individuals under the age of majority in the relevant jurisdiction.
- **Illicit Promotion or Sale of Harmful Substances:** the illicit promotion or sale of prescription drugs, controlled substances, tainted dietary supplements, ingredients for psychoactive highs, and others which have been validated by regulatory authorities as safety concerns.

This Acceptable Use Policy gives the .health registry the ability to quickly lock, cancel, transfer or take ownership of any .health domain name, either temporarily or permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners – and/or that may put the safety and security of any registrant or user at risk.

In the interest of protecting rightsholders and intellectual property stakeholders, numerous operating procedures, safeguards and policies have been identified and orchestrated in conjunction with our proposed efforts to operate the .health TLD registry. These are fully detailed and explained in our application to ICANN, and reinforced in our PIC's of March 5, 2013.

GAC Advice Response Form for Applicants



We wish to further note that ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary for the .health TLD, it should be sufficient for DotHealth to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>.

-GAC Recommended Safeguard #3: Security Checks

This Advice appears to be encompassed in the GAC's Advice regarding abuse mitigation, above. It is addressed in the 2013 RAA through the new obligation that registrars provide 24/7 abuse contact information for use by relevant law enforcement, consumer protection authorities, etc., to report potentially illegal activities, and the requirement that such reports are reviewed and responded to within a specific time period. ICANN has the authority to audit registrar compliance with this obligation, and has a variety of enhanced enforcement tools to address non-compliance. Despite the clear focus on this issue in the context of the 2013 RAA, the GAC's Advice creates a completely new, unanticipated cost – and associated legal liability to registrars and registrants – on new gTLD applicants. We feel it is inappropriate to use the String Objection procedures in the New gTLD Applicant Guidebook to create significant new policy applicable to all TLDs.

DotHealth re-affirms its commitments as described in our application to ensuring that those domain names associated with abuse or malicious conduct (including phishing, pharming, botnets, etc.) are dealt with in a timely and decisive manner. As reinforced in our PIC's of March 5, 2013

- Once a complaint is received from a trusted source, a third-party, or detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint.
- If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given 12 hours to investigate the activity and either take down the domain name by placing the domain name on hold, deleting the domain name in its entirety or remedying the abusive practices.
- If the registrar has not taken the requested action after the 12-hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold." Although this action removes the domain name from the .health TLD zone, the domain name record still appears in the .health TLD WHOIS database so that the name and entities can be investigated by law enforcement should they desire to get involved.

-GAC Recommended Safeguard #4: Documentation

ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints. Therefore, DotHealth believes it makes little sense to create two different systems. To the extent any .health TLD registry involvement is necessary, we feel it should be sufficient

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for DotHealth to provide a link from our registry web site to the ICANN page at:
<http://reports.internic.net/cgi/registrars/problem-report.cgi>

-GAC Recommended Safeguard #5: Making and Handling Complaints

DotHealth re-affirms its commitments as described in our application for the .health TLD to these recommended safeguards. As described in our application response and answer to Question 28 (Abuse Prevention and Mitigation):

DotHealth will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. DotHealth will also provide such information to ICANN prior to the delegation of any domain names in the .health TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our back-end registry service provider, Neustar, shall provide an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

In the event that we receive a complaint that a .health domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners – and/or that may put the safety and security of any registrant or user at risk, DotHealth shall take preventive measures to avoid any such criminal or security threats which may be triggered through a variety of channels, including, among other things, private complaint, public alert, government or enforcement agency outreach, and the ongoing monitoring by the Registry or its partners. In all cases, the Registry or its designees will alert Registry's registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance.

For the .health TLD, DotHealth's back-end registry provider and partner, Neustar, will target verified abusive domain names and remove them within 12 hours regardless of whether or not there is cooperation from the domain name registrar. In the event a domain name is being used to threaten the stability and security of the .health TLD, including and not limited to suspected privacy or security breaches, or in a case a domain is part of a real-time investigation by law enforcement or security researchers, its resolution will be disabled completely within the DNS master zone file that enables such resolution. Removing the domain name from the zone has the effect of shutting down all activity associated with the domain name, including the use of all websites and e-mail addresses mapping to the domain name in question.

-GAC Recommended Safeguard #6: Consequences

The WHOIS issues are addressed directly in the new 2013 RAA, which requires registrars to verify WHOIS information in response to reports of inaccuracy and, if they unable to do so, to suspend such registrations. It does not make sense to create potentially conflicting enforcement models. Moreover, this approach creates potentially significant liability to registrants – with whom registries do not have direct relationships in most cases.

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Likewise, the new RAA requires registrars to provide Abuse Contact information and imposes a duty to investigate reports of registrant abuse. Registrars must provide monitored points of contact to receive reports of illegal activity by law enforcement, consumer protection, quasi-governmental or other similar authorities.

ICANN has a web-based process for complaints about non-responsive registrars. ICANN and registrars continue to attempt to resolve significant issues related to frivolous and harassing complaints, and it makes little sense to create two different systems. To the extent any registry involvement is necessary on the part of DotHealth as the registry operator for the .health TLD, we believe it should be sufficient for us to provide a link to the ICANN page at: <http://reports.internic.net/cgi/registrars/problem-report.cgi>

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for:

“Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:”

DotHealth believes the GAC Advice pertaining to Category 1 Strings is inconsistent and cannot be implemented. This sweeping statement is overbroad and ignores entirely the important issue of context. The GAC Advice provides no principled basis for understanding why some strings are included and others are not. For example, as specified by the GAC, the “Health and Fitness” category includes:

- .care, BUT NOT .help
- .fit BUT NOT .yoga or .coach
- .clinic BUT NOT .salon

First, we firmly believe that ALL strings should operate in a way that is consistent with applicable laws. There is no logical reason for a limited number of strings to be singled out.

Second, the term “linked” is an insufficient criteria to judge which gTLD’s should be subject to these Category 1 safeguards. To what degree does the linkage need to be? What type of linkage? What if the linkage isn’t consistent across various geographic jurisdictions? What defines a linkage? How would a registry operator know which linkages the GAC is referring to? What if there is a difference of opinion amongst entities involved in a specific area as to policy? What if there are so many sectors covered by the string that it is impossible to identify all the linkages?

Third, we believe that ALL TLDs invoke some level of implied trust. The question is - what level? Since trust is a perceived attribute on the part of an individual, not necessarily based on the string or meaning of the string itself, but rather on how the registry operates and what actions it does or does not take over a period of time to ensure this trust. Levels of trust also vary over time. The key point is that all TLD’s should therefore be covered under GAC advice for category 1 – not just a subset of TLD’s. There is also no way of identifying and quantifying “levels of risk

associated with consumer harm”. We are unaware of any objective source that can be turned to in order to identify these levels. Furthermore, there is no basis for assuming that risk to consumers is string specific. Again, the risk is related to the actual behavior of both registrants and consumers on a particular website.

Fourth, not only is it unclear which sectors in relation to each string are covered under the advice, but the GAC states safeguards “should apply to strings that are related to these sectors”. Related in what way? To what extent? There is no objective way to interpret the word “related” and the GAC has not attempted to clarify its intent. This produces an unworkable situation for registries.

We wish to reinforce that our goal, and actually a fundamental part of our proposed business model, is to make the Internet a safer, reliable and genuinely trustworthy resource for all stakeholders in health. If we are not successful doing this, we don’t expect to succeed. We respectfully provide the following feedback in specific response to those safeguards that the GAC has recommended for Category 1 (page 8-9 of the GAC Beijing Communiqué):

GAC Suggested Safeguard #1 (Category 1):

Registry operators will include in its acceptable use policy that registrants 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.

As discussed above, registrants in .health are inherently obligated to comply with applicable laws relating to privacy, data collection, consumer protection, fair lending, debt collection, etc. The proposition that registrants are liable for their conduct under applicable law is not contested. The GAC Advice, however, would impose liability on registry operators with respect to registrant conduct, and require registry operators to identify the law applicable to any particular registrant, and to evaluate the conduct of a registrant against such law. While registries and registrars are obligated to cooperate with and assist appropriate law enforcement agencies in accordance with applicable due process requirements, “outsourcing” law enforcement to the private sector, particularly in a multi-jurisdictional global environment raises significant policy, due process, and business concerns that must be addressed.

Within the many sectors, segments, and interests that have “health” contexts, there is a lack of common definition, levels of adoption, and applicable laws for the privacy, collection, protection, disclosure or security of health or financial information. Such laws or guidelines are established by a variety of law enforcement, regulatory agencies and industry expert bodies in any given country or jurisdiction. In many cases, these complex issues are under discussion and debate by working groups with representation across segments, and represent some of the most challenging issues to gain consensus about. It is simply not, and should not be, the role or responsibility of a registry operator - that by definition does not see 100% of the activity related to any sector, to be asked to assume responsibility or liability, or be accountable for enforcement.

GAC Suggested Safeguard #2 (Category 1):

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Registry operators will require registrars at the time of registration to notify registrants of this requirement.

As previously described herein, DotHealth will adopt and enforce registrar (including re-sellers) and registrant compliance with an Acceptable Use Policy (AUP) that clearly defines the types of activities that will not be permitted for all users of the .health TLD. Indeed, all registrants will be notified of the AUP at the time of registration and will be obligated to accept the terms and conditions set forth in the Acceptable Use Policy.

-GAC Suggested Safeguard #3 (Category 1):

Registry operators will require 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 and recognized industry standards.

Privacy and data security requirements are established by national and local law, and vary dramatically from country to country. It is entirely reasonable to expect registry operators to handle data they collect and maintain to comply with applicable data privacy and security laws. It is also reasonable to require registrants to be transparent about their data collection and processing practices, but in most situations it is unreasonable to expect registry operators to pass judgment on what law applies to a registrant's conduct and whether or not that conduct is consistent with applicable law.

Although the GAC's goals and objectives for establishing increased levels of privacy and security for sensitive health and/or financial information are laudable, with respect to these safeguards, the GAC has failed to provide any specifics that would help to determine whether or not any registry operator could conceivably meet such requirements.

The GAC's broadly suggesting safeguards for any health-related TLD string (including .health) on the basis of "applicable laws" suggests it has failed to appropriately consider the many complex issues which are associated with health information privacy or security, among others. For example, the GAC has not clearly defined what "sensitive health and financial data" means, or what "services" the advice actually refers to, or what "security measures" are actually required. Additionally, the suggested safeguards fail to provide any criteria which would be used to determine how these might be considered commensurate with the offering of those services" and how these may or may not apply to various types of registrants that are considered for the .health TLD. If meant to address those registrants that collect or exchange sensitive health or financial information, as previously noted, applicable laws and security requirements will and should govern registrant activities.

GAC Suggested Safeguard #4 (Category 1):

Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

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Successfully mitigating risks of fraudulent, and other illegal, activities may or may not require a working relationship with regulatory bodies. The GAC advice assumes that the only way to do this is by establishing such working relationship.

DotHealth LLC believes it is important to mitigate fraud and illegal activities. To the extent that there are identifiable and relevant regulatory bodies that are open and willing to participate with the Registry operator, it should be encouraged, but it should not be a mandatory requirement. There are enforcement issues and many complications that arise. Who does one work with when a string like health has multiple meanings in multiple segments and therefore multiple regulatory bodies? What happens if the regulatory body is not cooperative? What if there are competing regulatory bodies with opposite agendas? Who do you work with when you couldn't possibly satisfy both bodies? For these reasons and many others, we feel this Safeguard is impractical to require. Further what exactly does a "working relationship" mean? No criteria have been offered to determine the level and outcome of such a relationship.

DotHealth has indeed formed working relationships with many respected industry players, including Neustar, Inc. and LegitScript, LLC. DotHealth has received affirmations of support from the National Association of Boards of Pharmacy (NABP), the World Federation of Chiropractic, the Inter-American College of Physicians and Surgeons, the Association of Black Cardiologists, and the Regulatory Harmonization Institute. However, there are literally thousands of organizations representing various stakeholder interests and we believe the registry itself should be able to determine which bodies are most "relevant" to work with. There are no objective criteria suggested by the GAC to determine the level of "relevance".

As an example of how we are addressing the GAC's proposed safeguards, DotHealth's partner and back-end registry services provider Neustar Inc. has established and maintains on-going cooperation with law enforcement agencies and well-known security organizations throughout the world including the Anti-Phishing Working Group, NSP-SEC, the Registration Infrastructure Safety Group, and others. Aside from these organizations, Neustar also actively participates in privately run security associations whose basis of trust and anonymity makes it much easier to obtain information regarding abusive DNS activity, all of which will be of key input to the operation of the .health TLD.

Neustar's commitment to consumer protection in the health arena is further reflected in its service as a founding board member of The Center for Safe Internet Pharmacies (CSIP), a non-profit organization chartered in 2011 to address the growing problem of internet sales of illegitimate pharmaceutical products. CSIP's membership includes the world's leading Internet and e-commerce companies, domain name registrars, search engines, and financial services providers.

Another relevant example is our exclusive partnership with LegitScript for the .health TLD which will help us maintain .health as a trustworthy environment by monitoring the TLD on an enterprise basis for any unsafe and illegal activity involving the distribution of prescription drugs and controlled substances, as well as other illegal or unsafe products. Such a partnership represents the first time that an entire registry will be protected in this way from rogue online pharmacies and illicit advertisements for harmful substances, not only in the US, but also around the entire world.

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As the world's leading provider of online surveillance and monitoring solutions, LegitScript currently works with numerous governments and government agencies, including the U.S. Food and Drug Administration, INTERPOL, the Irish Medicines Board, and the National Association of Boards of Pharmacies in the US to develop international standards that are applied. LegitScript also provides surveillance and investigative reporting services leading search engines to ensure that advertising on these search engines is for legitimate products from legitimate companies.

GAC Suggested Safeguard #5 (Category 1):

Registrants must be required by the registry operators to notify to them a single point of contact 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.

The substantive requirements of this GAC request has been fully incorporated into the 2013 RAA, which requires registrars to maintain a 24/7 monitored, single point of contact to receive abuse reports from designated law enforcement, consumer protection, and quasi-governmental or similar authorities, to publish their complaint processing policies and procedures, and to maintain auditable records of their responses to such complaints. As described in our application to ICANN for the .health TLD and answers to Question 28 (Abuse Prevention and Mitigation):

DotHealth will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. DotHealth will also provide such information to ICANN prior to the delegation of any domain names in the .health TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our back-end registry service provider, Neustar, shall provide an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

Additional Category 1 Safeguards

The GAC Advice also notes that "some strings" may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards as described above.

DotHealth believes that the "Further Advice" and safeguards proposed by the GAC do not accomplish the GACs apparent goal of risk mitigation.

DotHealth believes these particular safeguards can only apply in a small number of specific cases. Particularly, to the extent an applicant has indicated that second level-domains in a particular TLD will be limited to licensed providers of product or services (which we are not), it would be appropriate to expect an applicant to propose policies designed to enforce such limitations. In the three additional safeguards above, however, the GAC is not giving advice related to applicant accountability. Instead it is creating general policy based on the overly broad and simplistic assertion a particular ecosystem and use of a particular string, relate solely

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to market sectors that have clear and/or regulated entry requirements. In practice this assumption does not translate to health.

Whether or not any of these Safeguards can be implemented in a practical manner is also very much in doubt. In principle, the entire concept of these Safeguards is fundamentally flawed in that these are criteria that are being created and introduced after the commencement of the initial evaluation process and subsequent even to the PIC process (which in itself was introduced long after the application window had closed). The development of this proposal is completely negates ICANN's bottom-up, multi-stakeholder model. If the ICANN Board approved any one of these three safeguards, ICANN's consensus driven policy making would be completely undermined.

Furthermore, we applied for this TLD under the assumption that we were applying for a generic TLD. These three Safeguards change the nature of the TLD we applied for from generic and widely available, to being "sponsored" TLDs, restricted only to those individuals who must prove their status or credentials entitling them to register domain names with certain extensions. This is not what the new gTLD program was intended for and the sponsored TLD rounds have long come and gone.

As a matter of feasibility, the implementation of such additional safeguards presumes that an authoritative and updated data set for each and every type of professional or business associated with identified with each and every entity or individual that comprises the addressable market of registrants would be readily available in electronic format in every country throughout the world. Additionally, this assumes such data is available for the purposes of licensing or use by TLD registry operators, registrars and others that are engaged in the domain name registration and renewal lifecycle.

However, the creation and maintenance of the tools and data sources would inevitably introduce development and licensing costs that weren't factored into a registry applicant's operational, technical and financial models that were prepared and submitted to ICANN. Furthermore, such safeguards might have a discriminatory effect on users in certain fields and on some developing nations whose governments do not have regulatory bodies or keep databases which a registry and/or a registrar could work with to verify certifications or credentials. The GAC Advice should not have the effect of putting developing countries at a disadvantage because they do not have infrastructures necessary to enable validation or verification.

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Respondent:

Applicant Name	Aquarelle.com
Application ID	1-1685-37800
Applied for TLD (string)	aquarelle

Response:

Dear,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,

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Respondent:

Applicant Name	Societe Francaise du Radiotelephone - SFR
Application ID	1-1686-61159
Applied for TLD (string)	sfr

Response:

Dear,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,

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Respondent:

Applicant Name	punkt Tirol GmbH
Application ID	1-1703-3426
Applied for TLD (string)	.TIROL

Response:

Summary

punkt Tirol GmbH welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

punkt Tirol GmbH welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** Community-based application for .TIROL by punkt Tirol GmbH ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on

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those applications, such opinion should be duly taken into account, together with all other relevant information.

We serve the Interests of the Community and the Public

Our application for the string .TIROL is a community-based application. Members of the .TIROL Community are natural persons, legal persons, organizations or associations of persons, if they can demonstrate an economic, cultural, touristical, historical, social or any other connection to the Austrian Federal State of Tirol.

We have been successfully working since 2012 on building a long-lasting relationship to the various stakeholders of the respective community including

1. Government organizations and authorities;
2. Commercial associations;
3. Companies;
4. Civil society organizations.

The community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with all relevant public and private entities that make up the community.

General principles of operations for .TIROL by punkt Tirol GmbH

punkt Tirol GmbH would like to state that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights (<http://www.un.org/en/documents/udhr/index.shtml>).

In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.”

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.

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- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by punkt Tirol GmbH for .TIROL based on General Safeguards

punkt Tirol GmbH, the applicant for the .TIROL top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - punkt Tirol GmbH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. punkt Tirol GmbH will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - punkt Tirol GmbH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, punkt Tirol GmbH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If punkt Tirol GmbH identifies security risks that pose an actual risk of harm, punkt Tirol GmbH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - punkt Tirol GmbH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. punkt Tirol GmbH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - punkt Tirol GmbH will ensure that there is a mechanism for making complaints to punkt Tirol GmbH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

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6. Consequences - Consistent with applicable law and any related procedures, punkt Tirol GmbH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

punkt Tirol GmbH would like to note that registration policies will be set up according to this request.

However punkt Tirol GmbH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

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Respondent:

Applicant Name	BestTLD Pty Ltd
Application ID	1-1705-80521
Applied for TLD (string)	.Best

Response:

Response to GAC Communiqué Comments re “Closed-Generic” TLD Applications

PeopleBrowsr Ltd. Is the parent company of three gTLD applicants, for the TLDs .KRED, .CEO and .BEST, all of which we intend to operate as ‘Single-Registrant’ TLD models as allowed by the terms of the Final Applicant Guidebook and Draft Registry Agreement contained there. We are disappointed that ICANN has reopened a significant policy issue that was debated many years ago, with community consensus allowing ‘closed’ registry business models. This was acknowledged in the so-called “Final” documents issued more than a year ago, and again in ICANN Staff’s Briefing Paper to the Board on this issue. We offer the following arguments as to why ICANN’s current inquiry is wrong-headed, and as to why closed registry business models are not prohibited by ICANN policy and indeed should be encouraged as innovative and are more protective of consumer interests than any ‘open’ models have been or are likely to be.

1. Historical perspective: So-called ‘closed generic’ business models were openly discussed in early GNSO development of the Principles underlying the new gTLD program. Those Principles were adopted by a Supermajority consensus decision of the GNSO Council, and then nearly unanimously by the ICANN Board as the fundamental premises on which the Applicant Guidebook has been based.

One of those Principles was that ICANN’s new gTLDs program should encourage innovative business models, some foreseen, and some not foreseen in the domain name industry of that day, or of today. Very early on it was decided by consensus, with no dissent, that there would be no ‘categories’ of new TLDs other than ‘Community’ and ‘Standard’. It was conceived that there would be companies running ‘closed’ business models, including ‘dotBrands’, ‘closed generics’ and other innovative TLD business models. The impossibility of distinguishing between ‘dotBrands’ and ‘closed generics’ was further discussed as a reason not to try to create such categories.

Such models were discussed again in the Vertical Integration Working Group. Innovative business models were discussed as reason to permit vertical integration. Again there was never any quibble with the notion that ‘closed generics’ would be permissible, with such models likely to be more in the public interest than ‘copycat’ registries modeled on today’s domain name industry (registry – registrar – reseller “open” models).

2. No late, material changes to the rules: Another fundamental Principle of the new gTLD program was that the rules would be clearly developed and actively noticed to all potentially interested parties, and would not be subject to change or alterations after the fact (except via PDP process or in emergency situations). This was a fundamental GNSO Principle and also a fundamental GAC Principle which was specifically adopted by the Board as one of the guiding principles of the program. To wit from the 2007 GAC Principles (Annex B):

Delegation of new gTLDs:

2.5 The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to applicants prior to the initiation of the process. Normally, therefore, no subsequent selection criteria should be used in the selection process.

and also:

2.13 ICANN should ensure that any material changes to new gTLD operations, policies and contract obligations be made in an open and transparent manner allowing for adequate public comment.

Now, the GAC in its most recent Communique, Annex I, states cryptically: “the new gTLD registry and registrars should be operated in an open manner consistent with general principles of openness.” We take this to mean that ICANN’s transparency and accountability mechanisms ensure that the DNS generally is operated openly. It ought not to mean that there is any sort of “general principle” that particular TLD registries cannot be closed to the public. Indeed there are several examples of heavily restricted TLD registries that are not in regulated industries, such as .museum and .travel. Such a general rule would contradict not only with these existing precedents, but with the underlying principles of the new gTLD program to offer innovative uses of the DNS with enhanced consumer protection mechanisms.

The GAC further states that “For strings representing generic terms, exclusive registry access should serve a public interest goal.” This is generally consistent with Specification 9 of the draft Registry Agreement provided with the Final Applicant Guidebook, which mentioned that ICANN would grant exceptions to the Code of Conduct, in order to allow registries to more broadly register domains in their own right, and not be forced to offer “equal access” to all ICANN-accredited registrars. During the discussions leading up to the Final Applicant Guidebook, it was recognized that closed TLD businesses would be allowed and thus, would be in the public interest, particularly because they could be innovative and far less likely to foster abusive registrations when compared to “open” gTLDs and most ccTLDs, have experienced. Again, the prior, heavily restricted TLDs such as .museum and .travel have proved this point as they have

experienced very little abuse. ICANN must not attempt to narrowly define “public interest” so as to constrict innovative business models and encourage “open” TLDs which have proved to suffer substantial abuse and causing significant consumer harm.

We also call on the ICANN Board to fully disclose all ‘expert analysis’ they have obtained on this issue, which they mentioned in their request for public comment on this issue, yet have never disclosed. This is surely counter to ICANN’s transparency and accountability principles, and so the GAC should actively seek this information just as so many members of the community have requested it. Without this information, applicants and the community (including the GAC) cannot offer fully informed opinions and arguments in response to the general statements made thus far by the Board in its request for public comment and by the GAC in its Communique. Neither the Board nor the GAC should credit so heavily the very few, very clearly self-interested voices that demand the Board to shunt aside established Principles and community consensus with respect to closed TLD models. The Board should not impose drastic, fundamental, last-minute changes to the program that will affect many applicants who have developed their business plans in reliance on the rules as set forth in the Applicant Guidebook. By doing so, ICANN risks expensive, protracted litigation and further substantial delays to the entire new gTLD program.

ICANN Staff’s Briefing Paper on this issue clearly acknowledges that so-called ‘closed generic’ registry models are not prohibited by the terms of the Applicant Guidebook or otherwise. If divergence is thought necessary now, then the Board would undermine the aforementioned fundamental principles of the program, to foster innovative business models based upon clear rules developed by the community and widely publicized in advance, before significant commercial investment in application and consulting fees. Such a late, highly material change at this point could not possibly be reasonable.

3. ICANN is not a Competition Authority: Arguments against so-called ‘closed generic’ TLD business models have been raised only very recently and only by very few parties, namely a subgroup of ICANN Registrars and Microsoft alongside other competitors who failed to apply for TLDs representing so-called ‘industry keywords’ and now do not like that other applicants have applied for those terms as TLDs. Generally, those arguments boil down to the notion that ‘closed generic’ business models somehow mysteriously provide an anti-competitive advantage to the registry operator, and therefore such models are not in the ‘public interest’.

Of course, each of these speakers is entirely motivated by their own self-interest rather than any semblance of public interest, and it is not ICANN’s remit to a priori attempt to regulate competition in the DNS industry. Registrars fear they will be competing with huge companies like Amazon and Google, who may allow large numbers of users and affiliates to use domains within a ‘closed generic’ space. They may even offer such use free of charge. Additionally, they may preclude uses for competitive marketing purposes – perhaps Firestone will not allow Pirelli to register or use Pirelli.Tires. Naturally, entrenched market actors do not want to see disruption in their industries and have vested interest in maintaining the market position they have acquired. They must show more than this to prove that such disruption is legally anti-competitive, and ICANN should not be involving itself in such disputes.

Anyone will still be free to use the relevant generic term in promoting their business, they just won’t be able to buy domains ending in that precise generic term. This is hardly different from

their current inability to buy generic terms ending in .com, .net or many other TLDs, because such names have been purchased by their competitors or by speculators. Yet somehow they manage to compete on the internet... Given the plethora of domain name (and industry keyword) options at the second and top level, this is hardly a legitimate strain on competition in any industry. To be sure, that decision should be made by competent antitrust authorities, only after there is any evidence of true competitive and/or consumer harm. It should not be made by ICANN as a blanket a priori rule (however belatedly implemented) across all industries in all countries. This is far beyond ICANN's purview or authority. ICANN's retained expert economists have repeatedly found that no registry in the domain industry has or is likely to ever have 'market power' except possibly Verisign. Therefore, ICANN should leave this issue, to the extent it ever may rise to an issue of competition law, to competent competition authorities.

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The mission of the .docs gTLD is to lay the ground work for providing consumers and businesses who interact with Microsoft through the .docs registry with a more secure and authentic experience and to promote the Docs service.

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So it is entirely unclear how Microsoft thinks that its competitors' 'closed generic' applications would harm it competitively, as it is planning the same model with four other common generic words, and it offers no details as to such prospective competitive harm. Yes it claims trademark in some of those words (such as Windows and Office), but how does that make it fair for them to own those words to the exclusion of all entities in the (glass) window industry, and all other entities in the online office software industry, or for that matter the office supply or office janitorial service industries?

ICANN's role has always been to ensure the stability and security of the internet, not to make judgment calls on what types of content should appear within a name space. It should have learned a painful and expensive lesson in this regard, from the .XXX delegation debacle. It should not repeat that mistake now, as to do so likely will lead to disputes which in their aggregate are several orders of magnitude larger than the .XXX dispute, likely with the same end result. Meanwhile a large number of new gTLD applications will be in limbo, including all applications in contention with any intended, so-called 'closed generic' application.

4. Categorization is impossible: ICANN requests public comment specifically as to how so-called 'closed generics' should be defined. Given general acceptance of the 'dotBrand' closed registry business model, how can ICANN distinguish between that and the so-called 'closed generic' model? Many existing and future TLD strings have been registered as trademarks, particularly in the European Community and Benelux jurisdictions. Some would say that many of those TLD strings represent generic or merely descriptive words, such as .vegas, .cam, .music.

But these designations have been registered as trademarks, .vegas in the United States, the other two in the European Union, all for domain name registration services. There are dozens if not hundreds more examples that can be found at some expense, which research hopefully ICANN is conducting through a professional trademark research firm.

So how do so-called ‘closed generic’ applications differ from Microsoft claiming trademark rights in ‘Windows’ and then precluding any competitors, or anyone else including window glass manufacturers and sellers, registering in .windows TLD? Why does AAA get awarded to the American Automobile Association, rather than any of the thousands of other valid owners of trademark rights in ‘AAA’ (same with ABC, AFL and so many other ‘dotBrands’ that in fact are quite generic in the abstract... .active, .ally, .americanfamily, .apple... without even getting to the letter B in the list of new gTLD applications)? Since someone has registered .CAM in the European Union, ICANN must give that trademark every bit the same respect as Apple Computer’s trademark in the generic word apple. Any efforts to make a distinction based upon geographic scope of registrations simply would give a competitive advantage to bigger richer companies who have been around a long time, which clearly is anathema to the principles underlying not only ICANN’s new gTLD program, but ICANN as a whole.

While trademark law, by definition, may prohibit trademark registration of generic terms, it does not and has never prohibited individuals from gaining exclusive property rights in generic terms. There are millions of generic terms that are the subject of exclusive domain name property rights, i.e. chocolate.com, sex.com, etc. Many countries recognize that chocolate.com, for example, can function as a trademark even for the service of selling chocolate, particularly after a period of exclusive use by which distinctiveness is acquired. There are many such trademark registrations in many jurisdictions. More importantly to this discussion, exclusive ownership has always been permitted, by definition, in regards to domain names at all levels of the DNS – including the top level. Why should there be any policy difference between TLDs and .com domains? To the extent such different policy might be considered, it must be done through bottom-up community consensus (which previously has accepted such models), rather than through top-down Board fiat at the behest of a few loud and late objectors.

In response to Professors McCarthy and Franklyn and their concern that consumers will be confused; that concern is purely speculative and not well grounded in trademark law. As Prof. McCarthy teaches, trademark law seeks to prevent confusion as to source of a good or service. The type of confusion he and Prof. Franklyn cite in their statement on this issue has nothing to do with product source, and is purely speculative. They state:

“consumers may mistakenly believe they are using a gTLD that allows for competition, when in reality the gTLD is closed and the apparently competitive products are being offered by a single entity”

They are speculating, without citation to any evidence or authority, that consumers “may” be confused as to some aspect or quality of the TLD service, but that has nothing to do with confusion as to the source of that service. They are speculating that the marketing of such TLDs will be confusing, when there is no factual basis whatsoever for such speculation. Web users have had long exposure to generic domain names used by myriad businesses, including well-known brands, throughout the world for more than 20 years, with absolutely no confusion ever

documented as far as we are aware. That evidence ought to trump the blank speculation even of well-respected trademark academics.

5. Consumer Protection: The Single-Registrant model was developed specifically to permit 'closed' business models, because they were deemed innovative and far less likely to be the subject of abuse as in copycat 'open' models. Since the registry operator assumes full control and legal responsibility for all registrations and usage within the TLD, there is a single point of contact for abuse complaints, and it is expected they will be dealt with strictly and quickly since the registry operator is also the registrant of record – legally responsible for use of the domain. This has always been deemed a model far less likely to experience abuses such as phishing, cybersquatting, IP theft, etc.; thus further innovative, and to be supported.

Sure, some of the 'portfolio applicants' for many arguably generic, open TLDs are pledging to do better than past registry operators with respect to consumer protection. But none of them are stating that they will accept legal responsibility for use of domains within the TLD, as would be required of Single Registrant TLD operators. None are stating they will have eligibility restrictions such as are inherent to Single Registrant models. None are stating that they will place any prior restraints on registrations within their 'open' TLDs, though of course Single-Registrant models have ample incentive to do so, and many have explained such plans to ICANN in their TLD applications. For these reasons, Single Registrant models are far more likely to be in the public interest than are new open TLDs which simply replicate traditional domain sales business models.

Since publication of the final Applicant Guidebook, ICANN Staff have made some troubling communications that would seem to weaken the ability of Single-Registrant models to devolve use of domains to affiliated third parties, such as Amazon sellers or Google users, for example. Specifically, they have published an extremely narrow 'clarification' as to the purported definition of 'control' within the Registry Agreement. That term was adequately defined in advance in the Draft Registry Agreement, to permit the single registrant registry operator to allow third parties to use domains in the TLD, so long as the registry operator remained the sole registrant and assumed legal 'control' over use of that domain. Business models have developed based upon that common sense interpretation (and contractually stated definitions) of the Draft Registry Agreement contained in the Final AGB. Therefore, this late attempt by Staff to materially change this important definition via purported 'clarification', without any public comment or reasonable rationale for that purported clarification, must be rejected. ICANN instead should restate that common sense definition, as Staff's later attempt at 'clarification' is without any legal authority or community support.

In sum, we request consideration of the above comments in support of innovative, closed TLD business models, and we request ICANN to publish any and all information which it is considering on this issue.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	CEOTLD Pty Ltd
Application ID	1-1706-31908
Applied for TLD (string)	.CEO

Response:

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Sure, some of the 'portfolio applicants' for many arguably generic, open TLDs are pledging to do better than past registry operators with respect to consumer protection. But none of them are stating that they will accept legal responsibility for use of domains within the TLD, as would be required of Single Registrant TLD operators. None are stating they will have eligibility restrictions such as are inherent to Single Registrant models. None are stating that they will place any prior restraints on registrations within their 'open' TLDs, though of course Single-Registrant models have ample incentive to do so, and many have explained such plans to ICANN in their TLD applications. For these reasons, Single Registrant models are far more likely to be in the public interest than are new open TLDs which simply replicate traditional domain sales business models.

Since publication of the final Applicant Guidebook, ICANN Staff have made some troubling communications that would seem to weaken the ability of Single-Registrant models to devolve use of domains to affiliated third parties, such as Amazon sellers or Google users, for example. Specifically, they have published an extremely narrow 'clarification' as to the purported definition of 'control' within the Registry Agreement. That term was adequately defined in advance in the Draft Registry Agreement, to permit the single registrant registry operator to allow third parties to use domains in the TLD, so long as the registry operator remained the sole registrant and assumed legal 'control' over use of that domain. Business models have developed based upon that common sense interpretation (and contractually stated definitions) of the Draft Registry Agreement contained in the Final AGB. Therefore, this late attempt by Staff to materially change this important definition via purported 'clarification', without any public comment or reasonable rationale for that purported clarification, must be rejected. ICANN instead should restate that common sense definition, as Staff's later attempt at 'clarification' is without any legal authority or community support.

In sum, we request consideration of the above comments in support of innovative, closed TLD business models, and we request ICANN to publish any and all information which it is considering on this issue.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	KredTLD Pty Ltd
Application ID	1-1707-1944
Applied for TLD (string)	.Kred

Response:

Response to GAC Communiqué Comments re “Closed-Generic” TLD Applications

PeopleBrowsr Ltd. is the parent company of three gTLD applicants, for the TLDs .KRED, .CEO and .BEST, all of which we intend to operate as ‘Single-Registrant’ TLD models as allowed by the terms of the Final Applicant Guidebook and Draft Registry Agreement contained there. We are disappointed that ICANN has reopened a significant policy issue that was debated many years ago, with community consensus allowing ‘closed’ registry business models. This was acknowledged in the so-called “Final” documents issued more than a year ago, and again in ICANN Staff’s Briefing Paper to the Board on this issue. We offer the following arguments as to why ICANN’s current inquiry is wrong-headed, and as to why closed registry business models are not prohibited by ICANN policy and indeed should be encouraged as innovative and are more protective of consumer interests than any ‘open’ models have been or are likely to be.

1. Historical perspective: So-called ‘closed generic’ business models were openly discussed in early GNSO development of the Principles underlying the new gTLD program. Those Principles were adopted by a Supermajority consensus decision of the GNSO Council, and then nearly unanimously by the ICANN Board as the fundamental premises on which the Applicant Guidebook has been based.

One of those Principles was that ICANN’s new gTLDs program should encourage innovative business models, some foreseen, and some not foreseen in the domain name industry of that day, or of today. Very early on it was decided by consensus, with no dissent, that there would be no ‘categories’ of new TLDs other than ‘Community’ and ‘Standard’. It was conceived that there would be companies running ‘closed’ business models, including ‘dotBrands’, ‘closed generics’ and other innovative TLD business models. The impossibility of distinguishing between ‘dotBrands’ and ‘closed generics’ was further discussed as a reason not to try to create such categories.

Such models were discussed again in the Vertical Integration Working Group. Innovative business models were discussed as reason to permit vertical integration. Again there was never any quibble with the notion that ‘closed generics’ would be permissible, with such models likely to be more in the public interest than ‘copycat’ registries modeled on today’s domain name industry (registry – registrar – reseller “open” models).

2. No late, material changes to the rules: Another fundamental Principle of the new gTLD program was that the rules would be clearly developed and actively noticed to all potentially interested parties, and would not be subject to change or alterations after the fact (except via PDP process or in emergency situations). This was a fundamental GNSO Principle and also a fundamental GAC Principle which was specifically adopted by the Board as one of the guiding principles of the program. To wit from the 2007 GAC Principles (Annex B):

Delegation of new gTLDs:

2.5 The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to applicants prior to the initiation of the process. Normally, therefore, no subsequent selection criteria should be used in the selection process.

and also:

2.13 ICANN should ensure that any material changes to new gTLD operations, policies and contract obligations be made in an open and transparent manner allowing for adequate public comment.

Now, the GAC in its most recent Communique, Annex I, states cryptically: “the new gTLD registry and registrars should be operated in an open manner consistent with general principles of openness.” We take this to mean that ICANN’s transparency and accountability mechanisms ensure that the DNS generally is operated openly. It ought not to mean that there is any sort of “general principle” that particular TLD registries cannot be closed to the public. Indeed there are several examples of heavily restricted TLD registries that are not in regulated industries, such as .museum and .travel. Such a general rule would contradict not only with these existing precedents, but with the underlying principles of the new gTLD program to offer innovative uses of the DNS with enhanced consumer protection mechanisms.

The GAC further states that “For strings representing generic terms, exclusive registry access should serve a public interest goal.” This is generally consistent with Specification 9 of the draft Registry Agreement provided with the Final Applicant Guidebook, which mentioned that ICANN would grant exceptions to the Code of Conduct, in order to allow registries to more broadly register domains in their own right, and not be forced to offer “equal access” to all ICANN-accredited registrars. During the discussions leading up to the Final Applicant Guidebook, it was recognized that closed TLD businesses would be allowed and thus, would be in the public interest, particularly because they could be innovative and far less likely to foster abusive registrations when compared to “open” gTLDs and most ccTLDs, have experienced. Again, the prior, heavily restricted TLDs such as .museum and .travel have proved this point as they have

experienced very little abuse. ICANN must not attempt to narrowly define “public interest” so as to constrict innovative business models and encourage “open” TLDs which have proved to suffer substantial abuse and causing significant consumer harm.

We also call on the ICANN Board to fully disclose all ‘expert analysis’ they have obtained on this issue, which they mentioned in their request for public comment on this issue, yet have never disclosed. This is surely counter to ICANN’s transparency and accountability principles, and so the GAC should actively seek this information just as so many members of the community have requested it. Without this information, applicants and the community (including the GAC) cannot offer fully informed opinions and arguments in response to the general statements made thus far by the Board in its request for public comment and by the GAC in its Communique. Neither the Board nor the GAC should credit so heavily the very few, very clearly self-interested voices that demand the Board to shunt aside established Principles and community consensus with respect to closed TLD models. The Board should not impose drastic, fundamental, last-minute changes to the program that will affect many applicants who have developed their business plans in reliance on the rules as set forth in the Applicant Guidebook. By doing so, ICANN risks expensive, protracted litigation and further substantial delays to the entire new gTLD program.

ICANN Staff’s Briefing Paper on this issue clearly acknowledges that so-called ‘closed generic’ registry models are not prohibited by the terms of the Applicant Guidebook or otherwise. If divergence is thought necessary now, then the Board would undermine the aforementioned fundamental principles of the program, to foster innovative business models based upon clear rules developed by the community and widely publicized in advance, before significant commercial investment in application and consulting fees. Such a late, highly material change at this point could not possibly be reasonable.

3. ICANN is not a Competition Authority: Arguments against so-called ‘closed generic’ TLD business models have been raised only very recently and only by very few parties, namely a subgroup of ICANN Registrars and Microsoft alongside other competitors who failed to apply for TLDs representing so-called ‘industry keywords’ and now do not like that other applicants have applied for those terms as TLDs. Generally, those arguments boil down to the notion that ‘closed generic’ business models somehow mysteriously provide an anti-competitive advantage to the registry operator, and therefore such models are not in the ‘public interest’.

Of course, each of these speakers is entirely motivated by their own self-interest rather than any semblance of public interest, and it is not ICANN’s remit to a priori attempt to regulate competition in the DNS industry. Registrars fear they will be competing with huge companies like Amazon and Google, who may allow large numbers of users and affiliates to use domains within a ‘closed generic’ space. They may even offer such use free of charge. Additionally, they may preclude uses for competitive marketing purposes – perhaps Firestone will not allow Pirelli to register or use Pirelli.Tires. Naturally, entrenched market actors do not want to see disruption in their industries and have vested interest in maintaining the market position they have acquired. They must show more than this to prove that such disruption is legally anti-competitive, and ICANN should not be involving itself in such disputes.

Anyone will still be free to use the relevant generic term in promoting their business, they just won’t be able to buy domains ending in that precise generic term. This is hardly different from

their current inability to buy generic terms ending in .com, .net or many other TLDs, because such names have been purchased by their competitors or by speculators. Yet somehow they manage to compete on the internet... Given the plethora of domain name (and industry keyword) options at the second and top level, this is hardly a legitimate strain on competition in any industry. To be sure, that decision should be made by competent antitrust authorities, only after there is any evidence of true competitive and/or consumer harm. It should not be made by ICANN as a blanket a priori rule (however belatedly implemented) across all industries in all countries. This is far beyond ICANN's purview or authority. ICANN's retained expert economists have repeatedly found that no registry in the domain industry has or is likely to ever have 'market power' except possibly Verisign. Therefore, ICANN should leave this issue, to the extent it ever may rise to an issue of competition law, to competent competition authorities.

As for Microsoft's concerns, clearly it worries that Google and Amazon will have some sort of competitive advantage because they have made big plays for lots of TLD strings. And of course Microsoft had the same opportunity as Google or Amazon to do so. Indeed, Microsoft has filed 11 applications, all with 'closed registry' intentions, including .docs, .live, .office and .windows. To wit:

The mission of the .docs gTLD is to lay the ground work for providing consumers and businesses who interact with Microsoft through the .docs registry with a more secure and authentic experience and to promote the Docs service.

Registration of .docs domain names will be restricted to Microsoft Corporation and its wholly owned subsidiaries. All domains in the .docs registry will be registered to Microsoft Corporation or one of its wholly owned subsidiaries.

So it is entirely unclear how Microsoft thinks that its competitors' 'closed generic' applications would harm it competitively, as it is planning the same model with four other common generic words, and it offers no details as to such prospective competitive harm. Yes it claims trademark in some of those words (such as Windows and Office), but how does that make it fair for them to own those words to the exclusion of all entities in the (glass) window industry, and all other entities in the online office software industry, or for that matter the office supply or office janitorial service industries?

ICANN's role has always been to ensure the stability and security of the internet, not to make judgment calls on what types of content should appear within a name space. It should have learned a painful and expensive lesson in this regard, from the .XXX delegation debacle. It should not repeat that mistake now, as to do so likely will lead to disputes which in their aggregate are several orders of magnitude larger than the .XXX dispute, likely with the same end result. Meanwhile a large number of new gTLD applications will be in limbo, including all applications in contention with any intended, so-called 'closed generic' application.

4. Categorization is impossible: ICANN requests public comment specifically as to how so-called 'closed generics' should be defined. Given general acceptance of the 'dotBrand' closed registry business model, how can ICANN distinguish between that and the so-called 'closed generic' model? Many existing and future TLD strings have been registered as trademarks, particularly in the European Community and Benelux jurisdictions. Some would say that many of those TLD strings represent generic or merely descriptive words, such as .vegas, .cam, .music.

But these designations have been registered as trademarks, .vegas in the United States, the other two in the European Union, all for domain name registration services. There are dozens if not hundreds more examples that can be found at some expense, which research hopefully ICANN is conducting through a professional trademark research firm.

So how do so-called ‘closed generic’ applications differ from Microsoft claiming trademark rights in ‘Windows’ and then precluding any competitors, or anyone else including window glass manufacturers and sellers, registering in .windows TLD? Why does AAA get awarded to the American Automobile Association, rather than any of the thousands of other valid owners of trademark rights in ‘AAA’ (same with ABC, AFL and so many other ‘dotBrands’ that in fact are quite generic in the abstract... .active, .ally, .americanfamily, .apple... without even getting to the letter B in the list of new gTLD applications)? Since someone has registered .CAM in the European Union, ICANN must give that trademark every bit the same respect as Apple Computer’s trademark in the generic word apple. Any efforts to make a distinction based upon geographic scope of registrations simply would give a competitive advantage to bigger richer companies who have been around a long time, which clearly is anathema to the principles underlying not only ICANN’s new gTLD program, but ICANN as a whole.

While trademark law, by definition, may prohibit trademark registration of generic terms, it does not and has never prohibited individuals from gaining exclusive property rights in generic terms. There are millions of generic terms that are the subject of exclusive domain name property rights, i.e. chocolate.com, sex.com, etc. Many countries recognize that chocolate.com, for example, can function as a trademark even for the service of selling chocolate, particularly after a period of exclusive use by which distinctiveness is acquired. There are many such trademark registrations in many jurisdictions. More importantly to this discussion, exclusive ownership has always been permitted, by definition, in regards to domain names at all levels of the DNS – including the top level. Why should there be any policy difference between TLDs and .com domains? To the extent such different policy might be considered, it must be done through bottom-up community consensus (which previously has accepted such models), rather than through top-down Board fiat at the behest of a few loud and late objectors.

In response to Professors McCarthy and Franklyn and their concern that consumers will be confused; that concern is purely speculative and not well grounded in trademark law. As Prof. McCarthy teaches, trademark law seeks to prevent confusion as to source of a good or service. The type of confusion he and Prof. Franklyn cite in their statement on this issue has nothing to do with product source, and is purely speculative. They state:

“consumers may mistakenly believe they are using a gTLD that allows for competition, when in reality the gTLD is closed and the apparently competitive products are being offered by a single entity”

They are speculating, without citation to any evidence or authority, that consumers “may” be confused as to some aspect or quality of the TLD service, but that has nothing to do with confusion as to the source of that service. They are speculating that the marketing of such TLDs will be confusing, when there is no factual basis whatsoever for such speculation. Web users have had long exposure to generic domain names used by myriad businesses, including well-known brands, throughout the world for more than 20 years, with absolutely no confusion ever

documented as far as we are aware. That evidence ought to trump the blank speculation even of well-respected trademark academics.

5. Consumer Protection: The Single-Registrant model was developed specifically to permit 'closed' business models, because they were deemed innovative and far less likely to be the subject of abuse as in copycat 'open' models. Since the registry operator assumes full control and legal responsibility for all registrations and usage within the TLD, there is a single point of contact for abuse complaints, and it is expected they will be dealt with strictly and quickly since the registry operator is also the registrant of record – legally responsible for use of the domain. This has always been deemed a model far less likely to experience abuses such as phishing, cybersquatting, IP theft, etc.; thus further innovative, and to be supported.

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Respondent:

Applicant Name	Stable Tone Limited
Application ID	1-1708-88054
Applied for TLD (string)	健康

Response:

I am writing to you as CEO of Stable Tone Limited. We are the sole applicant for Dot 健康. This Chinese language IDN TLD is pronounced "JIANKANG" and can be translated as Dot WELLNESS. Our application has priority number 68 and has passed ICANN's Initial Evaluation.

In its Beijing Communiqué providing advice to the ICANN Board on new gTLD applications, the GAC has identified ".healthy (IDN Chinese equivalent)," as a TLD to which a set of safeguards should apply. I would first of all like to thank the GAC for taking an interest in our application and considering it to be an application that should proceed through ICANN's new gTLD program and be delegated as a Top Level Domain on the Internet.

We at Stable Tone feel very strongly that the string we are applying for will help Chinese communities gain access to content promoting a healthy lifestyle. This is a Chinese character string, in IDN format, and therefore it fully embraces the new gTLD program's ideals of bringing more choice to Internet users around the world, and enhancing their interaction with the Internet to improve their daily lives.

Our aspiration with Dot JIANKANG is to promote wellness and healthy living in the broadest possible sense. It is important to note and understand that our string has a broad generic meaning and is not focused on the type of specific health related services that may be within the ambit of any regulated industry such as the medical or pharmaceutical industry.

Dot JIANKANG was envisioned by Chinese Internet enthusiasts, for Chinese users and speakers of the Chinese language worldwide. JIANKANG can be loosely translated as “healthy” or “wellness”. A concept, very much at the heart of the Chinese culture for thousands of years, and one tightly integrated into our daily lives. Our TLD .JIANKANG will be very clearly positioned as a resource providing Internet users which a beneficial service to them in their everyday lives. As mentioned before, although the term we are applying for can loosely be

GAC Advice Response Form for Applicants



translated as “healthy” or “wellness”, it is not confused with the English word “health”. This is a strong semantic difference. We will serve Chinese users interested in a certain type of lifestyle and in doing so will be quite distinct from the medical or pharmaceutical industry.

We understand that applying for any TLD means taking on a huge responsibility to achieve consumer trust and user confidence. For us as an applicant for a Chinese IDN character string, this responsibility is quite possibly even greater than it would be for the applicant of an ASCII string.

We are registered in Hong-Kong and 95% of our market is expected to be in Mainland China itself. Hong Kong has a strong regulatory framework for hygiene, healthcare and food produce, while China has strict law and regulatory practices concerning the Internet, which are even more rigorous for Chinese companies. We fully expect to be heavily scrutinized by the Chinese authorities themselves, and intend to fully comply with any relevant rules and policies put in place by the Chinese government. Most of Stable Tone's management staff are Chinese citizens and are therefore subject to the regulation under the Chinese legal system. Should our use of the TLD .JIANKANG be considered a potential hazard to Internet users as far as the healthcare sector is concerned, this might be not only be blocked by the government immediately, but as operators and managers of the registry, there is a possibility that we as individuals could face personally liability.

Our government will be watching us carefully to ensure that we do not deviate from our intended plan of providing and managing domain names to registrants with sites about various aspects of wellness and wholesome lifestyles.

We have applied for this TLD in good faith, and have already invested a huge amount of time, effort and thought into providing ICANN with an application which displays the high level of quality that the Applicant Guidebook requires. We have worked to understand the Guidebook, adhered to its guiding principles and met its specific requirements whilst building our TLD in such a way as to meet the set of rules articulated in the voluminous guidebook.

We are very proud to see that our efforts to meet this high bar have been rewarded with a successful pass from ICANN in its Initial Evaluation process.

Our commitment to be a quality applicant and a responsible gTLD operator was met with an equally strong commitment from ICANN to guarantee a stable and predictable process for those who were, like us, willing to participate in the new gTLD program. In this regard it would seem that introducing major changes to the rules at a very late stage is not predictable and is simply unfair to applicants.

As to the specific requests made by the GAC for strings that the Committee has placed in the Category 1 of its Beijing Communiqué's ANNEX 1, we are please to note that our own proposals for operating Dot JIANKANG are already inline with many of them.

Our application is already compliant with safeguards 1 (Whois Verification and Checks), 2 (Mitigating Abusive Activity), 3 (Security Checks), 4(Documentation), 5 (Making and Handling Complaints) and 6 (Consequences) as listed in the above-mentioned section of the GAC's Beijing Communiqué.

GAC Advice Response Form for Applicants



Whois Verification and checks are covered in our answer to Question 28.4.1 “Authentication of Registrant Information”, 28.4.2 “Monitoring of Registration Data” and 28.4.3 “Policies and Procedures Ensuring Compliance”. Safeguards 2-6 are covered by our answers to Question 28 "Abuse Prevention and Mitigation" and includes resourcing and implementation plans on not only monitoring of abusive activity such as Phishing, pharming, malware, spam and child pornography, but also mitigation steps such as installing a single point of contact for abuse, mechanisms for taking complaints, a Rapid Take Down process and even coordination with law enforcement and industry groups such as for example, in the United States, Federal Bureau of Investigation, US CERT, Homeland Security, the Food and Drug Administration, and the National Center for Missing and Exploited Children to name a few.

We have also submitted a Public Interest Commitment – the details of which are listed here (<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/450>)

In addition, as a Chinese applicant we are already working with our country's authorities and already meet their requirements to mitigate fraudulent activities to the best extent possible.

Once again, I would like to thank the GAC for their willingness to work with applicants to ensure new gTLDs are respectful of human rights, uphold the public interest and are operated in such a way as to comply with laws in their applicable jurisdictions. These are ideals we respect and share. We are also prepared to and open to exploring with the GAC and GAC members to further enhance our policies and put measures in place to appropriately mitigate against relevant and specific concerns.

I look forward to the ICANN board's decision to move us forward from an applicant to a contracted gTLD registry operator such that a substantive and fruitful collaboration with the GAC could progress to ensure that Dot JIANKANG be operated in the best interests of the Internet community at large.

Best regards,

Jason Du
CEO
Stable Tone Limited
Unit 10-18, 32/F, Tower 1, Millennium City 1,
388 Kwun Tong Road, Kwun Tong, Kowloon
Hong Kong

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	planet.ECO llc
Application ID	1-1710-92415
Applied for TLD (string)	eco

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice. In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected. We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part. Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below. However, we would flag that such agreement and response is made under severe duress. Safeguards Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.
2. Mitigating abusive activity We agree to the application of such to our TLD.
3. Security Checks We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be. In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted. Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.
4. Documentation In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.
5. Making and Handling Complaints As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated. We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint "handling" is met by our referring such to the appropriate authorities or third party arbiters.
6. Consequences We agree to the application of such to our TLD. Registry Agreement In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA. We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA. Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

GAC Advice Response Form for Applicants



If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:- • Safeguard 2 • Safeguard 5 • Safeguard 6” Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above. We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Regards,

Jean William
Chairman
planet.ECO llc

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Asiamix Digital Ltd.
Application ID	1-1711-46810
Applied for TLD (string)	FANS

Response:

We acknowledge receipt of the GAC Advice regarding .fans Top Level Domain. We agree with the GAC analysis that strings linked to regulated or professional sectors "are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm". This fully corresponds to our own strategic views on the .fans TLD policies that we expressed in our .fans TLD application. In particular,

1. Asiamix Digital reaffirms its commitment to maintain the .fans environment free from online crime, malicious or illegal activities. As mentioned in our .fans application, we will adopt a comprehensive Acceptable Use Policy that will set forth the limits of acceptable use of domains and the procedures the Registry will apply in case of violations of applicable laws or policies, including takedown procedures. The Acceptable Use Policy will be incorporated in the Registry-Registrar agreements and Registrars will be required to pass through the requirements to comply with the policy to the registrants.
2. The Acceptable Use Policy will include provisions requiring registrants to comply with all applicable laws, including those that relate to protection of intellectual property, privacy, data collection, consumer protection and disclosure of data. See answer to question 29 of our TLD application for details.
3. At time of initial planning of the .fans TLD concept we did recognise that .fans domains may be demanded by the sectors where protection of intellectual property rights is of paramount importance. We therefore from the very beginning considered establishing the working partner relationships with the corresponding industry bodies as some of the strategic objectives of the .fans registry operator. We plan to reach out to the appropriate industry bodies and to develop procedures and policies on registration and use of .fans domain names that will take into account the needs of the corresponding industries and in particular the legitimate requirements of the rights holders.

GAC Advice Response Form for Applicants



4. As we mentioned in the response to question 28 of our TLD application, we will develop a strategy to mitigate as much as possible the risk of fraudulent and other illegal activities. Our policies will describe actions that will be taken by the registry to stop illegal activity, prevent abusive conduct or to enforce the Law. We will take reasonable steps to investigate and respond to any reports of illegal activity in connection with the use of the TLD and will cooperate with the competent governmental agencies in such investigations.

Respectfully submitted,
Asiamix Digital Ltd.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	TENNIS AUSTRALIA LIMITED
Application ID	1-1723-69677
Applied for TLD (string)	.tennis

Response:

Tennis Australia notes that ".tennis" was identified by the GAC as being a "generic term" to which a "public interest goal" should be applied if "exclusive access" was proposed by a successful applicant (see Annex 1, Category 2, paragraph 2 of GAC Advice).

Tennis Australia seeks to clarify that its application for ".tennis" does not propose "exclusive access". Instead, as a community applicant, Tennis Australia's proposed application is properly characterised as "restrictive access" being limited to a defined community (see Annex 1, Category 2, paragraph 1 of GAC Advice). Tennis Australia acknowledges the safeguards proposed by the GAC on the "restrictive access" category of application.

Tennis Australia remains able to comply with the requirements set out in its application.

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Respondent:

Applicant Name	CloudNames AS
Application ID	1-1747-41841
Applied for TLD (string)	CLOUD

Response:

To whom it may concern,

CloudNames AS has applied for the TLD string .cloud. CloudNames intends on operating this TLD as an unrestricted, open TLD in compliance with all the recommendations from ICANN. Registrants will be able to register domain names on a first come - first served basis.

Kind regards,

Su-Ching Wu

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Schaeffler Technologies AG & Co. KG
Application ID	1-1749-12808
Applied for TLD (string)	SCHAEFFLER

Response:

Summary

SCHAEFFLER TECHNOLOGIES AG & CO. KG welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

SCHAEFFLER TECHNOLOGIES AG & CO. KG welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .SCHAEFFLER by SCHAEFFLER TECHNOLOGIES AG & CO. KG

SCHAEFFLER TECHNOLOGIES AG & CO. KG would like to state, that:

1. We will respect human rights and fundamental freedoms

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We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by SCHAEFFLER TECHNOLOGIES AG & CO. KG for .SCHAEFFLER based on General Safeguards

SCHAEFFLER TECHNOLOGIES AG & CO. KG, the applicant for the .SCHAEFFLER top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - SCHAEFFLER TECHNOLOGIES AG & CO. KG will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. SCHAEFFLER TECHNOLOGIES AG & CO. KG will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - SCHAEFFLER TECHNOLOGIES AG & CO. KG will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, SCHAEFFLER TECHNOLOGIES AG & CO. KG will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If SCHAEFFLER TECHNOLOGIES AG & CO. KG identifies security risks that pose an actual risk of harm, SCHAEFFLER TECHNOLOGIES AG & CO. KG will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - SCHAEFFLER TECHNOLOGIES AG & CO. KG will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. SCHAEFFLER TECHNOLOGIES AG & CO. KG will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - SCHAEFFLER TECHNOLOGIES AG & CO. KG will ensure that there is a mechanism for making complaints to SCHAEFFLER TECHNOLOGIES AG & CO. KG that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, SCHAEFFLER TECHNOLOGIES AG & CO. KG shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

SCHAEFFLER TECHNOLOGIES AG & CO. KG would like to note that registration policies will be setup according to this request.

SCHAEFFLER TECHNOLOGIES AG & CO. KG would like to note that .SCHAEFFLER is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore SCHAEFFLER TECHNOLOGIES AG & CO. KG would like to state that the .SCHAEFFLER is not in the public interest, but a representation of Intellectual property rights of SCHAEFFLER TECHNOLOGIES AG & CO. KG.

However SCHAEFFLER TECHNOLOGIES AG & CO. KG reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

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GAC ADVICE RESPONSE FORM for APPLICANTS

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Respondent:

Applicant Name	DOTPAY SA
Application ID	1-1750-33973
Applied for TLD (string)	PAY

Response:

DOTPAY SA welcomes the opportunity to respond to the Governmental Advisory Committee’s comments on new top level domains. DOTPAY SA appreciates the GAC’s intentions to protect end users and to minimise consumer confusion.

In no country has the use of the generic term “pay” been regulated in the way that terms such as bank, finance or insurance are being assessed in the evaluation of new TLDs.

It is clear that, throughout the process of the evaluation of new TLDs, generic terms have taken on new meanings but, in essence, the divide between reserved and generic terms is that reserved names are limited in use while generics are used in everyday life.

1) DOTPAY SA’s application for .pay will not become a closed TLD and, in addition, DOTPAY SA’s application serves the public interest by having open services on the Internet. DOTPAY SA is currently in contention for .pay top-level domain with Amazon who is assuming exclusive use of the .pay.

2) being generic term by default PAY should not raise so-called ‘financial’ concerns

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otherwise similar concerns would have to be applied top-level-domains as BUY, SALE, SHOP, BOOK, PIZZA and many others as all these generic terms, along with and similar to PAY, assume money value exchanges over the communications network.

The key features of DOTPAY SA's application address, precisely, the concerns that the GAC has generally identified. For example, the security of Internet payment systems and the minimisation of registrant confusion.

In particular, as part of DOTPAY SA's efforts dedicated to minimising the probability of confusion, there is second level label selection (SLLS) policy implementation. Through SLLS, DOTPAY SA, will provide incentive registration of personal mobile telephone numbers (PMTN) as the second level of .pay DNS name for individuals. Telephone numbers are unique by default and, to avoid confusion, Registrars will be advised to verify each Registrant via SMS providing a verification code for online registration of the PMTN.pay name.

SLLS also implies registration of real names for individuals along with trademarks and 'doing business as' (DBA) names for institutions as second level labels for .pay names.

While the trademark confusion issue is being addressed by ICANN via the Trademark Clearing House establishment the registration of personal names (real names) for individuals and DBA names for businesses as second level labels will be provided on First Come-First Served terms. Each real name registration will be accompanied by a free registration of PMTN for purposes of verification and avoidance of a confusion. For SMS verification DOTPAY SA is considering using www.nexmo.com services.

DOTPAY SA's treatment of .pay relies on a highly innovative expression of the possibilities for new top level domains. That innovation is based on patented technologies that drive the DOTPAY SA system.

We believe that the perceptions of risk about transferring money using the Internet are, in practice, unfounded given the ubiquity of online banking. The evaluators may have made some assumptions that a .pay TLD "would be vulnerable to online fraud and abuse" which has no basis in fact given the actual services which will be provided by the .pay TLD.

The impact of very specific patented technology developments which address precisely the consumer concerns about banking services which are already in play in the existing banking market are the unique selling proposition of the .pay TLD.

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In the case of .pay, the patented technologies which support the operation of the TLD are far superior to those used by legacy banking providers. These patented technologies will be built upon existing industrial security mechanisms compliant with Payment Card Industry Data Security Standards (PCI DSS) which along with mandatory implementation of DNSSEC and voluntary SLLS policy implementation by DOTPAY SA only improves the level of transaction security. The patented approach defines registry and payment services wherein only registry services will be provided by DOTPAY SA. The payment services will still be provided by financial service providers which are currently heavily regulated worldwide.

DOTPAY SA registry services assumes the replacement of account identification details (IDs) with DNS names while payment services are assumed to be provided by payment service-compliant entities, not DOTPAY SA. DOTPAY SA **registry** services is completely decoupled from **payment** services in the same way as the .COM registry services are decoupled from services provided by banks using .com names such as citibank.com.

The concerns about security, fraud and abuse are addressed by DOTPAY SA in its application by placing a restriction on IP addresses mapped to .pay names in order to control communication end-points ensuring their compliance with applicable security standards.

The .pay application “offers the registrant a range of multi-vendor and multi-payment services” assuming products and discovery services which, along with payment facilities, provide customers with an electronic cycle of purchasing goods and services.

Unlike other applicants for “financial services” TLDs, .pay targets small & medium businesses and individuals to facilitate a more efficient e-commerce environment for low and medium-priced purchases and has to provide a more affordable pricing model.

In addition, DOTPAY SA has partnered with Knipp Medien und Kommunikation GmbH) to collaborate with law enforcement authorities and security agencies in order to take quick action in case a .pay name is reported to be involved in malicious activity. The “Rapid Takedown Policy” submitted in the application materials includes best industry standard responses to ICANN’s Applicant Guidebook requirements including

* clear and consistent procedures to quickly stop the malicious activity (after the activity was confirmed and impact of the measures has been assessed),

* specific rules regarding the notification of involved parties

- * mechanisms to appeal against any measures taken and
- * definitions for documenting and reporting malicious activity.

Removing a domain name from the .pay zone usually has serious consequences but DOTPAY SA (and Knipp Medien und Kommunikation GmbH as its technical provider) will, in accordance with the policy, exercise extreme caution with regard to any takedown decision. At the same time, the DOTPAY SA is aware that malicious activity potentially affects a large number of Internet users, which sometimes warrants drastic measures. The Rapid Takedown Policy aims at finding appropriate measures, taking the interests of all involved parties into consideration.

The Rapid Takedown Policy will be announced to both .pay registrars and .pay registrants and be part of the Registry-Registrar Agreement (RRA) and the .pay registration terms.

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Respondent:

Applicant Name	CANAL+ FRANCE
Application ID	1-1751-49374
Applied for TLD (string)	canalplus

Response:

Dear,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

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we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Respectfully submitted,

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Fédération Nationale de la Mutualité Française
Application ID	1-1752-85513
Applied for TLD (string)	mutuelle

Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event

we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.

6. Consequences: we will ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Considering the fact that the .mutuelle gTLD also figures on the “Category 1” list, the GAC also requires an answer to the following additional safeguards:

1. Registry operators will include in its acceptable use policy that registrants 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.

The applicant will include these obligations in its acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

The applicant will include a provision to this effect in its registry-registrar agreement.

3. Registry operators will require that registrants who collect and maintain sensitive health information and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.

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The applicant will provide for a clause to this effect in its domain name registration terms and conditions.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities

Considering the fact that the applicant is the organization that groups the vast majority of mutual funds in France, it already has established such relationships. Therefore, it will provide processes and procedures in order to mitigate the risks of fraudulent and other illegal activities, and provide for clear and swift safeguards in the event such activities occur.

5. Registrants must be required by the registry operators to notify them a single point of contact 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.

We will include such a requirement in our domain name registration terms and conditions, and implement a process to this effect.

6. At the time of registration, the registry operator must verify and validate the registrant's authorizations, charters, licenses and/or other related credentials for participation in that sector.

Considering the fact that – as stated above – the applicant is the organization that groups the vast majority of mutual funds in France, it already has processes in place in order to verify its members' eligibility and credentials for participation in this sector.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

See our response to Safeguard 6 above: the applicant already has already implemented these processes.

8. The registry operator must conduct periodic post-integration checks to ensure registrants' validity and compliance with the above requirements 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.

See our response to Safeguard 6 above: the applicant already has already implemented these processes.

Respectfully submitted,

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	regiodot GmbH & Co. KG
Application ID	1-1753-50246
Applied for TLD (string)	RUHR

Response:

regiodot GmbH & Co. KG, the applicant for the .RUHR gTLD, welcomes and supports the GAC Advice as published on April 11, 2013, since the requested safeguards from GAC have always been fundamental principles for regiodot GmbH & Co. KG and have therefore been incorporated in the application accordingly. It is designed in the Applicant Guidebook as a process step that rejects gTLD applications which conflict with national laws and will privilege those gTLDs that recognize and incorporate community and public interests.

regiodot GmbH & Co. KG, welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

*** General principles of operations for .RUHR by regiodot GmbH & Co. KG

regiodot GmbH & Co. KG would like to state, that:

1. We will respect human rights and fundamental freedoms

GAC Advice Response Form for Applicants



We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.”

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

*** Detailed commitments by regiodot GmbH & Co. KG for .RUHR based on General Safeguards

regiodot GmbH & Co. KG, the applicant for the .RUHR top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - regiodot GmbH & Co. KG will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. regiodot GmbH & Co. KG will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar’s obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - regiodot GmbH & Co. KG will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, regiodot GmbH & Co. KG will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If regiodot GmbH & Co. KG identifies security risks that pose an actual risk of harm, regiodot GmbH & Co. KG will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - regiodot GmbH & Co. KG will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. regiodot GmbH & Co. KG will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - regiodot GmbH & Co. KG will ensure that there is a mechanism for making complaints to regiodot GmbH & Co. KG that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, regiodot GmbH & Co. KG shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

regiodot GmbH & Co. KG would like to note that registration policies will be setup according to this request.

However regiodot GmbH & Co. KG reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	National Association of Real Estate Investment Trusts, Inc.
Application ID	1-1760-71167
Applied for TLD (string)	REIT

Response:

The National Association of Real Estate Investment Trusts, Inc. (“NAREIT”) writes to address the Governmental Advisory Committee (“GAC”) safeguard advice issued on April 11, 2013 with respect to the .REIT new gTLD string. Specifically, the .REIT new gTLD string was identified by the GAC as being linked to the financial sector and “likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.” Thus, it “should operate in a way that is consistent with applicable laws.”

We are grateful to receive this important input from the GAC and we fully appreciate that safeguard advice relates to new gTLD strings themselves rather than to the content of any individual new gTLD application. Thus, while we feel that several aspects of the safeguard advice require greater clarity and guidance (including implementation and enforcement of these safeguards in particular, as well as the necessity and applicability of Public Interest Specifications) we also fully agree with the GAC that the .REIT new gTLD string must be protected—this has always been our singular goal in applying to operate it.

Indeed, the content of our application for the .REIT new gTLD string already addresses nearly all applicable safeguards, including safeguards prescribed for all new gTLDs, as well as the safeguards for consumer protection, sensitive strings, and regulated markets. Perhaps the best examples are contained in our response to Question 20, which endorses NAREIT as a trusted representative for the worldwide REIT community and also outlines stringent registration policies to verify and validate genuine members of the REIT community pursuant to clear and regulated entry requirements. In addition, our responses to Questions 26, 28 and 29 squarely address WHOIS verification and registration abuse prohibition, study and reporting mechanisms already in line with the safeguards prescribed by the GAC.

Accordingly, we encourage both the GAC and the ICANN Board of Directors to review our application in light of this safeguard advice. We also pledge to work with the GAC and relevant

GAC Advice Response Form for Applicants



regulatory bodies to assuage any safeguard concerns that are not already addressed in our application.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	dotimmobilie GmbH
Application ID	1-1761-46474
Applied for TLD (string)	IMMO

Response:

Summary

DOTIMMOBILIE GMBH welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

DOTIMMOBILIE GMBH welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .IMMO by DOTIMMOBILIE GMBH
DOTIMMOBILIE GMBH would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.

GAC Advice Response Form for Applicants



- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by DOTIMMOBILIE GMBH for .IMMO based on General Safeguards DOTIMMOBILIE GMBH, the applicant for the .IMMO top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - DOTIMMOBILIE GMBH will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. DOTIMMOBILIE GMBH will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. DOTIMMOBILIE GMBH will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - DOTIMMOBILIE GMBH will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

3. Security checks - While respecting privacy and confidentiality, DOTIMMOBILIE GMBH will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to

GAC Advice Response Form for Applicants



perpetrate security threats, such as pharming, phishing, malware, and botnets. If DOTIMMOBILIE GMBH identifies security risks that pose an actual risk of harm, DOTIMMOBILIE GMBH will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - DOTIMMOBILIE GMBH will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. DOTIMMOBILIE GMBH will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - DOTIMMOBILIE GMBH will ensure that there is a mechanism for making complaints to DOTIMMOBILIE GMBH that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, DOTIMMOBILIE GMBH shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

DOTIMMOBILIE GMBH would like to note that registration policies will be setup according to this request.

DOTIMMOBILIE GMBH reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.

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, Annex I, and Annex II of the [GAC Beijing 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	Abbott Laboratories
Application ID	1-1765-99580
Applied for TLD (string)	ABBOTT

Response:

Abbott would like to affirm to the ICANN Board our commitment to operating the .ABBOTT gTLD in a manner that reflects our longstanding history of corporate responsibility.

Abbott Laboratories (“Abbott”) is a global, diversified healthcare company devoted to the discovery, development, manufacture, and marketing of nutritional products, medical products including devices, diagnostic instrumentation and tests, and branded generic pharmaceuticals.

In line with our overarching mission, Abbott plans to operate the .ABBOTT gTLD with the aim of serving as a trusted, hierarchical, and intuitive namespace for its consumers. Abbott will operate .ABBOTT as a closed registry. We will have a strict code of conduct that includes prohibitions against:

- Counterfeiting, piracy, and other forms of intellectual property theft,
- Phishing or other forms of online fraud,
- The distribution of malware or operation of botnets, and
- The provision of incomplete or inaccurate WHOIS information.

The operation of a closed registry allows Abbott to assure our consumers that any healthcare data collected by Abbott within .ABBOTT will be collected using appropriate security controls and with adherence to online privacy standards. In doing so, Abbott aims to create a safe online space for consumers, free from many of the risks associated with conducting business online.

Finally, given Abbott’s longstanding commitment to consumer protection and corporate responsibility, we have fostered relationships with regulators within the healthcare industry. Abbott will continue to engage these entities in conjunction with the operation of the .ABBOTT gTLD.

The Governmental Advisory Committee’s Beijing Communiqué recommends a number of Safeguards for strings within identified regulated or professional sectors, and puts forward a non-exhaustive list of relevant strings. While Abbott’s .ABBOTT application was not explicitly

GAC Advice Response Form for Applicants



named, we hope this quells any concerns that the Board might have in association with the .ABBOTT gTLD.

We invite further dialogue with the Board if it has any remaining concerns regarding Abbott's .ABBOTT application.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	MIH PayU B.V.
Application ID	1-1776-5924
Applied for TLD (string)	.payu

Response:

We appreciate the opportunity to provide the ICANN Board of Directors with our response to the Governmental Advisory Committee (GAC) Advice articulated in the GAC Beijing Communiqué ("Communiqué"). In the Communiqué one of our applied-for new gTLD strings <.payu>, was identified by the GAC in its "Safeguard Advice" in Annex 1 as a Category 1 (financial) gTLD string that should be subject to additional safeguards.

We would like to inform the ICANN Board that the string "payu" is a registered trademark of MIH PayU B.V., applicant for the .payu string (See Exhibit1). In addition, the string was applied for as a "closed" registry for exclusive use by our company (.BRAND gTLD) and not as generic gTLD available to the general public for registration. As a result, we contend the risks for which the GAC proposed safeguards for Category 1 would not exist in the operation of the .payu registry as the namespace will be strictly and exclusively controlled by our organization and compliant with applicable ICANN rules and various national government regulations related to the operation of online payment services.. Furthermore, we contend that the GAC's inclusion of the .payu gTLD as part of the Category 1 gTLD strings for which "safeguard advice" should be applied is inequitable, as nearly all other trademarked, closed, .BRAND new gTLD applicants in the financial sector have not been categorized in the same manner by the GAC and thus, will not have to meet the additional burdens and responsibilities that the .payu gTLD would need to meet if the GAC advice on this category were accepted by the ICANN Board. Thus, for the reasons stated above, we respectfully request that the ICANN Board reject the inclusion of the .payu gTLD string as a Category 1 (financial) gTLD subject to the Category 1 safeguards proposed by the GAC and/or accepted by the ICANN Board from the GAC Advice issued in Beijing on April 11, 2013..

GAC Advice Response Form for Applicants



EXHIBIT 1

PayU Trademarks

USPTO Trademark for "PayU"

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri May 10 02:42:18 EDT 2013

1388 Home NEW USER STRUCTURE FILE FORMS SEARCH OGS HOME HELP FILE LIST COME LIST NEXT LIST NEXT DOC FILE DOC NEXT DOC LAST DOC

Logout Please logout when you are done to release system resources allocated for you.

Search List At: OR Jump to record: Record 1 out of 3

TESSR ASSIGN STATUS TTM Status (Use the "Back" button of the Internet Browser to return to TESS)



Word Mark PAYU

Goods and Services

IC 039 US 021 022 028 029 032 G & S: Computer software enabling and processing electronic payments and transferring funds to and from others; authorization software for use in release of payments; wired and wireless computer peripherals; computer security devices; namely, a non-predictable code calculator for accessing a host data bank computer; apparatus for recording, transmission or reproduction of sound or images; magnetically encoded credit cards and debit payment cards; automatic vending machines and mechanisms for coin-operated apparatus; cash registers; calculating machines; data processing equipment and computers

IC 038 US 100 101 102 G & S: Financial services; namely, electronic funds transfer for the purchase of products and services offered by others; all via electronic communication networks; clearing and recording financial transactions via electronic communication networks; providing a wide variety of payment and financial services; namely, credit card services; issuing credit cards and lines of credit; electronic payment; namely, electronic processing and transmission of bill data and bill payments data; bill payment services; namely, providing guaranteed payment delivery; over-the-counter services provided via electronic communication networks; foreign exchange transactions; home banking; electronic funds transfer; online banking; telephone banking services

IC 042 US 100 101 G & S: Design and development of computer software for electronic payment processing; electronic funds transfer processing; authorization processes; design and development of application programming interfaces (API) software; providing information in the field of computer software and computer software design and development; technical support services; namely, troubleshooting of computer software problems

IC 045 US 100 101 G & S: Providing financial fraud protection and prevention and dispute resolution services

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 28.17.02 - Bands, curved; Bars, curved; Curved line(s); band(s) or bar(s); Lines, curved

Serial Number 85222233

Filing Date January 20, 2011

Current Class 12

Original Filing State 12

Owner (APPLICANT) MH Alegre BV LIMITED LIABILITY COMPANY NETHERLANDS Tawouwenlaan 105 LS Hoofddorp NETHERLANDS 2132

Attorney of Record George W. Leitz

Description of Mark Color is not claimed as a feature of the mark. The mark consists of the stylized letters payu with a semicircle which begins under the letter 'a' and ends under the letter 'y'.

Type of Mark TRADEMARK, SERVICE MARK

Regulator PRINCIPAL

Live/Dead Indicator LIVE

1388 Home NEW USER STRUCTURE FILE FORMS SEARCH OGS TOP HELP FILE LIST COME LIST NEXT LIST NEXT DOC FILE DOC NEXT DOC LAST DOC

[USPTO](#) | [FBI](#) | [NORAD](#) | [BRANDS](#) | [WEBSURFER](#) | [HELP](#) | [PRIVACY POLICY](#)

WIPO Trademark for “PayU”

Countries : All | [Granted](#) | [Refusal](#) | [Final decision](#) | [No longer designated](#)

- [BY](#)
- [CH](#)
- [KZ](#)
- [RS](#)
- [RU](#)
- [TR](#)

151

Date of the registration

10.10.2012

180

Expected expiration date of the registration/renewal

10.10.2022

270

Language of the application

English

[Current Status](#)

732

Name and address of the holder of the registration

MIH Payu BV

Taurusavenue 105

NL-2132 LS Hoofddorp (NL)

813

Contracting State or Contracting Organization in the territory of which the holder has his domicile

EM

842

Legal nature of the holder (legal entity) and State, and, where applicable, territory within that State where the legal entity is organized

Company Incorporated in the Netherlands, NETHERLANDS

740

Name and address of the representative

DEHNS

St Bride's House,

10 Salisbury Square

London EC4Y 8JD (GB)

540

Mark

The word "PAYU" is displayed in a bold, black, sans-serif font. The letters are thick and closely spaced, with a slightly irregular, hand-drawn appearance. The 'P' and 'Y' are particularly prominent due to their size and weight.

531

International Classification of the Figurative Elements of Marks (Vienna Classification) - VCL(6)

27.05.01

511

International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) - NCL(10)

09

Computer software for the processing of electronic payments and transfers of funds to and from third parties; computer software; authentication software; wired and wireless computer peripherals; computer security device, namely a non-predictable code calculator for accessing a host data bank computer; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers,

recording discs; magnetically encoded credit cards and payment cards; mechanisms for coin operated apparatus; cash registers; calculating machines, data processing equipment and computers; scientific, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity.

36

Financial services, namely, enabling transfer of funds and purchase of products and services offered by others, all via electronic communication networks; clearing and reconciling financial transactions via electronic communication networks; clearing services; providing a wide variety of payment and financial services, namely credit card services, issuing of credit cards and lines of credit, processing and transmission of bills and payments thereof, payment services, providing guaranteed payment delivery, and money market funds; financial services, namely, enabling donations to be made to charities, all via electronic communication networks; foreign exchange; home banking; electronic funds transfer; online banking, telebanking; insurance; financial affairs; monetary affairs; real estate affairs.

42

Design and development of computer software for electronic payment processing, electronic funds transfer processing, authentication processes; design and development of application programming interfaces (API); providing information in the field of computer software and computer software design and development; technical support services, namely, troubleshooting of computer software problems.

45

Providing financial fraud protection and prevention and dispute resolutions services.

821

Basic application

EM, 13.04.2012, 010805885

822

Basic registration

EM, 27.09.2012, 010805885

300

Data relating to priority under the Paris Convention and other data relating to registration of the mark in the country of origin

EM, 13.04.2012, 010805885

832

Designation(s) under the Madrid Protocol

BY - CH - KZ - RS - RU - TR

- [Registration : 2012/50 Gaz, 03.01.2013, BY, CH, KZ, RS, RU, TR](#)

OHIM “PayU” Trademarks

• 1

PAYU Latest publication was: A.1 08/06/2012

Trade mark No:	010521128
Trade mark type:	Word
Filing date:	22/12/2011
Registration date:	
Nice classification:	9, 36, 42, 45
Trade mark status:	Application published
Trade mark basis:	CTM
Owner's reference:	79.M100837
Owner number:	487105

Owner name: MIH Payu BV
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	08/06/2012

[payu](#) Latest publication was: C.3.1 13/08/2012



Trade mark No: 009077181
Trade mark type: Figurative
Filing date: 04/05/2010
Registration date: 08/11/2010
Nice classification: 9, 36, 42, 45
Trade mark status: Registration surrendered
Trade mark basis: CTM
Owner's reference: 79.M94022
Owner number: 433539
Owner name: Tradus Allegro AG
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	26/07/2010
B.1	11/11/2010
Section	Publication date
C.1.3	22/12/2011
C.3.1	13/08/2012

[payu](#) Latest publication was: C.3.6 04/01/2013

PAYU

Trade mark No: 010805885

Trade mark type: Figurative

Filing date: 13/04/2012

Registration date: 27/09/2012

Nice classification: 9, 36, 42, 45

Trade mark
status: Registered

Trade mark basis: [CTM on which IA is based](#)

Owner's reference: 93.M101380

Owner number: 487105
Owner name: MIH Payu BV
Representative's ID No: 10623
Representative's name: DEHNS

Published in:

Section	Publication date
A.1	20/06/2012
B.1	01/10/2012
Section	Publication date
C.3.6	04/01/2013



3 results in 1 page in 4.756 seconds

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Artemis Internet Inc.
Application ID	1-1796-18939
Applied for TLD (string)	secure

Response:

May 2, 2013

Re: Section IV.1.b and Annex 1 of the GAC Communiqué, dated 11 April 2013 (“GAC Safeguards”)

Dear members of the ICANN Board,

Artemis Internet Inc., applicant for .secure (“Artemis”), thanks the Board for the opportunity to comment.

Artemis applauds the GAC’s sentiment to promote security and consumer protection with the new gTLD program. We write to request that the Board add .secure to the non-exhaustive list of strings, under Category 1, that should apply the GAC Safeguards.

We would be delighted to be bound by these safeguards. Their purpose aligns with our mission to create the Internet’s “safest neighborhood”—a namespace that:

- equitably limits registration to verified identities that are legitimate operators of their domains,
- continuously monitors for compliance with best-in-class security policies, and
- rigorously enforces compliance via control of registrants’ DNS.

Because it is in our business interest to meet or surpass the GAC Safeguards:

1. Artemis is ready to conduct checks of WHOIS accuracy. We will do so for each and every registrant, not merely for a “statistically significant” number of registrants. Additionally, beyond identity, we will check registrants for applicable trademark rights and regulatory approval (i.e.,

the right to operate domain names that consumers would link to particular industries, like the financial industry). Our registration process would be time/human intensive. We believe this investment is necessary to reduce the risk that consumers connect with bad hosts in our namespace – a risk that ultimately hurts our brand and that of our good registrants.

2. Artemis is ready to prohibit bad conduct within registrants' terms of use. We are working with security leaders from leading cross-sector companies (that potentially will register for a .secure domain) to devise an ambitious, but practical, security bar that all registrants would be required clear in order to register in and maintain presence on our namespace. The security policies that result from this consensus-driven process will be regularly refreshed to reflect improvements to security protocols. Our terms of use will require registrants to comply with the current and all future refreshes of the .secure security policies. In addition to security compliance, our terms of use will require registrants to adhere to a code of conduct requiring compliance with applicable laws, including those related to fraud and trademark or copyright infringement.

3. Artemis is ready to conduct technical analysis for security threats, while respecting registrants' privacy and confidentiality. Registrants in our namespace would need to either designate Artemis as the authoritative source for DNS resolution or allow for full zone transfers. This gives us full visibility and technical control, from root to leaf, of domains in our namespace. Having this visibility and control enables us to identify each of the actors in the .secure namespace, the first step in monitoring .secure for bad actors and security threats. We will monitor (manually and automatically) on a recurring basis for such bad actors and security threats, which are violations of our security policies, developed and/or approved in conjunction with .secure registrants.

4. Artemis is ready to maintain statistical reports for bad actors, including those who give inaccurate WHOIS records or fail to comply with our security policies. We will use the .secure TLD to effect our policy- and technology-driven compliance platform. A key component of this platform is recurring monitoring and documentation of the results of such monitoring for compliance with our policies. We would be able to easily provide statistical reports based off of these records to ICANN upon appropriate request.

5. Artemis is ready to devise and improve processes for people to complain to Artemis about bad actors, including those who give inaccurate WHOIS records or fail to comply with our security policies. Enforcement of good behavior is crucial to our business' success. We will have automatic and human cops "on beat" within our "safe neighborhood" to enforce the .secure security policies and code of conduct. Additionally, we would appreciate "vigilant neighbors" keeping watch and will make it easy for them to report findings of bad conduct. We're aiming for an unprecedented level of commitment to security and protection in our namespace. As such, we will develop incentives for as many people as possible to care about .secure.

6. Artemis is ready to enforce "real and immediate consequences," including suspension of domain names. Using fair and fairly applied policies, we will wield the power to suspend domain names—from the level of a specific sub-domain up to the second-level—to ensure we protect our brand, good registrants and consumers. We will suspend as often and as many registrants as warrant it. But, we anticipate that the need will be infrequent because we will vigorously vet for commitment to security and consumer protection at the registration stage. Passing our verification and security policies is a pre-requisite for appearing on our namespace.

GAC Advice Response Form for Applicants



Thank you again for the opportunity to comment. It has been a pleasure to address you. We appreciate you taking time to consider Artemis' perspective.

Sincerely,

Alex Stamos, CTO
Artemis Internet Inc.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Motion Picture Domain Registry Pty Ltd
Application ID	1-1802-37358
Applied for TLD (string)	.film

Response:

Motion Picture Domain Registry Pty Ltd
Australian Company Number 156 336 042
Level 8, 10 Queens Road Melbourne. Victoria. Australia. 3004.

Date: 10 May 2013

Application ID: 1-1802-37358

Via ICANN Customer Service Portal

GAC ADVICE RESPONSE FOR .FILM

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) and those that apply to our application for .film under Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets, as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for New gTLDs is

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intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.”

We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice, which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional Safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

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We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be

.
In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters

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6. Consequences

We agree to the application of such to our TLD.

Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets:

The premise of our .film application is to provide a new, unique and dedicated online space for the global film industry. The TLD .film has been listed in the GAC’s Advice under the category of Intellectual Property.

We note the various Rights Protection Mechanisms (RPMs) we will be required to implement in accordance with Specification 7 of the Registry Agreement. Such RPMs include implementation of a Trademark Sunrise Period and a Trademark Claims Service. In addition, we will implement all determinations as a result of the Uniform Rapid Suspension process and Uniform Dispute Resolution Policy.

We believe that implementation of these mechanisms will adequately protect the Intellectual Property rights of others in the .film TLD. The adoption of additional safeguards to protect the Intellectual Property rights of others is thus unwarranted. Nonetheless, we agree to the

GAC Advice Response Form for Applicants



proposed Category 1 Safeguards outlined in the GAC Advice with some caveats. We therefore provide the following responses:

1. Acceptable Use Policy

We agree to include in our acceptable use policy wording to the effect of “... registrants comply with all applicable laws, including those that relate to privacy, data collection and consumer protection.”

We have reservations about agreeing to the remainder of this Safeguard as we believe it reaches beyond the scope of what, we, as a registry operator primarily targeting registrants from the film industry would be able to do with regard to the operation of the TLD. Therefore we do not agree to include in our acceptable use policy that registrants comply with applicable law relating to “... fair lending, debt collection, organic farming, disclosure of data and financial disclosures.”

2. Notification of the Acceptable Use Policy

We agree to require registrars at the time of registration to notify registrants of this requirement.

3. Health and financial data

We do not believe this Safeguard to be applicable to .film as our intended registrants will not be in the business of collecting and maintaining sensitive health and financial data.

4. Mitigating risks of fraudulent, and other illegal, activities

We note that no regulatory body exists for the global film industry. The requirement to establish a working relationship with a regulatory body is based on the incorrect assumption that such a relationship would function to protect the Intellectual Property rights of others. The Intellectual Property rights that are to be protected exist beyond the scope of a regulatory body’s functions, and are already adequately protected by various ICANN mandated RPMs and national Intellectual Property protection regimes.

5. Single point of contact

We agree to require the registrant, at the time of registration, to nominate a point of contact that must be kept-up-to-date, to ensure the registrant can be contacted regarding notification of complaints or reports of registration abuse. However, we note that no regulatory body exists for the global film industry, which invalidates the requirement for the registrant’s provision of contact details of such a body.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

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We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:

- Safeguard 2
- Safeguard 5
- Safeguard 6

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

With regard to Safeguards applicable to Category 1 we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following Safeguards applicable to Category 1 as defined by the Governmental Advisory Committee in Annex 1 of its communique dated 11 April 2013:

- Safeguard 1 (as amended)
- Safeguard 2
- Safeguard 5 (as amended)

As explained above Safeguards 3 and 4 are not agreed on the basis that they are not applicable to the TLD.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Simon Delzoppo
For and on behalf of
Motion Picture Domain Registry Pty Ltd
Date:10th May 2013

Adrian Kinderis
For and on behalf of

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Motion Picture Domain Registry Pty Ltd
Date:10th May 2013

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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, Annex I, and Annex II of the [GAC Beijing 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	Motion Picture Domain Registry Pty Ltd
Application ID	1-1803-2593
Applied for TLD (string)	.movie

Response:

Motion Picture Domain Registry Pty Ltd
Australian Company Number 156 336 042
Level 8, 10 Queens Road Melbourne. Victoria. Australia. 3004.

Date: 10 May 2013

Application ID: 1-1803-2593

Via ICANN Customer Service Portal

GAC ADVICE RESPONSE FOR .MOVIE

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) and those that apply to our application for .movie under Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets, as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for New gTLDs is

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intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.”

We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice, which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional Safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

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3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets:

The premise of our .movie application is to provide a new, unique and dedicated online space for the global movie industry. The TLD .movie has been listed in the GAC’s Advice under the category of Intellectual Property.

We note the various Rights Protection Mechanisms (RPMs) we will be required to implement in accordance with Specification 7 of the Registry Agreement. Such RPMs include implementation of a Trademark Sunrise Period and a Trademark Claims Service. In addition, we will implement all determinations as a result of the Uniform Rapid Suspension process and Uniform Dispute Resolution Policy.

We believe that implementation of these mechanisms will adequately protect the Intellectual Property rights of others in the .movie TLD. The adoption of additional safeguards to protect the Intellectual Property rights of others is thus unwarranted. Nonetheless, we agree to the proposed Category 1 Safeguards outlined in the GAC Advice with some caveats. We therefore provide the following responses:

1. Acceptable Use Policy

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We agree to include in our acceptable use policy wording to the effect of “... registrants comply with all applicable laws, including those that relate to privacy, data collection and consumer protection.”

We have reservations about agreeing to the remainder of this Safeguard as we believe it reaches beyond the scope of what, we, as a registry operator primarily targeting registrants from the movie industry would be able to do with regard to the operation of the TLD. Therefore we do not agree to include in our acceptable use policy that registrants comply with applicable law relating to “... fair lending, debt collection, organic farming, disclosure of data and financial disclosures.”

2. Notification of the Acceptable Use Policy

We agree to require registrars at the time of registration to notify registrants of this requirement.

3. Health and financial data

We do not believe this Safeguard to be applicable to .movie as our intended registrants will not be in the business of collecting and maintaining sensitive health and financial data.

4. Mitigating risks of fraudulent, and other illegal, activities

We note that no regulatory body exists for the global movie industry. The requirement to establish a working relationship with a regulatory body is based on the incorrect assumption that such a relationship would function to protect the Intellectual Property rights of others. The Intellectual Property rights that are to be protected exist beyond the scope of a regulatory body’s functions, and are already adequately protected by various ICANN mandated RPMs and national Intellectual Property protection regimes.

5. Single point of contact

We agree to require the registrant, at the time of registration, to nominate a point of contact that must be kept-up-to-date, to ensure the registrant can be contacted regarding notification of complaints or reports of registration abuse. However, we note that no regulatory body exists for the global movie industry, which invalidates the requirement for the registrant’s provision of contact details of such a body.

Category 2: Exclusive Access

.movie has been listed in the GAC Communique as a string representing a generic term for which the grant of exclusive registry access should serve a public interest goal. We note that our application for .movie does not convey an intention to request exclusive registry access but other applications for the .movie string have. As such, the GAC Advice in Category 2 does not apply to our .movie application.

Registry Agreement

GAC Advice Response Form for Applicants



In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:

- Safeguard 2
- Safeguard 5
- Safeguard 6

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

With regard to Safeguards applicable to Category 1 we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following Safeguards applicable to Category 1 as defined by the Governmental Advisory Committee in Annex 1 of its communique dated 11 April 2013:

- Safeguard 1 (as amended)
- Safeguard 2
- Safeguard 5 (as amended)

As explained above Safeguards 3 and 4 are not agreed on the basis that they are not applicable to the TLD.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Simon Delzoppo
For and on behalf of
Motion Picture Domain Registry Pty Ltd

GAC Advice Response Form for Applicants



Date:10th May 2013

Adrian Kinderis
For and on behalf of
Motion Picture Domain Registry Pty Ltd
Date:10th May 2013

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Respondent:

Applicant Name	VOLKSWAGEN (CHINA) INVESTMENT CO., LTD.
Application ID	1-1824-64001
Applied for TLD (string)	.大众汽车

Response:

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .大众汽车 by VOLKSWAGEN (CHINA) INVESTMENT CO., LTD.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights¹. In this respect we would like to emphasize two principles of the UN declaration of rights:

¹ <http://www.un.org/en/documents/udhr/index.shtml>

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- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

We require our registrars and 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), disclosure of data, and financial disclosures.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and **create new options for consumers in the market.**
- **To foster diversity, encourage competition, and enhance the utility of the DNS.**
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating **significant potential for new uses and benefit to Internet users across the globe.**

We fully support these goals with the underlying principles of openness and non-discrimination and which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. for .大众汽车 based on General Safeguards

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD., the applicant for the .大众汽车 top-level domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.

2. Mitigating abusive activity - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

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3. Security checks - While respecting privacy and confidentiality, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. identifies security risks that pose an actual risk of harm, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

5. Making and Handling Complaints - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will ensure that there is a mechanism for making complaints to VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

6. Consequences - Consistent with applicable law and any related procedures, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to note that registration policies will be setup according to this request.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to note that **.大众汽车** is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply.

Furthermore VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to state that the **.大众汽车** is not in the public interest, but a representation of Intellectual property rights of VOLKSWAGEN. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.

GAC Advice Response Form for Applicants



The Government Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	The Canadian Real Estate Association
Applicant ID	1-1828-26452
Applied for TLD (string)	.MLS

Response:

The Canadian Real Estate Association (CREA) is a trade association whose membership consists of more than 100,000 real estate brokers, agents, and salespeople, working through 100 member real estate boards and provincial associations across Canada.

CREA is the owner of the MLS® trademarks in Canada and licenses the use of those trademarks to its members. The MLS® trademarks are registered in Canada as “certification marks”, which means that they identify a standard or level of service provided by the members of the group licensed to use the marks. In this case, the MLS® marks, and the proposed .MLS TLD, identify professional services rendered by members of CREA to effect the purchase and sale of real estate as part of a cooperative selling system.

Member Boards operate cooperative selling systems, which include an inventory of listings of participating REALTORS® and ensures a high level of accuracy of information, professionalism, and cooperation amongst REALTORS® to affect the purchase and sale of real estate. These cooperative selling systems are called MLS® Systems and they date back to 1955 in Canada.

In principle, we agree with the GAC Advice and believe the ICANN Board should make a concerted effort to incorporate this advice for new gTLDs. We do not interpret the GAC Advice as raising new matters of policy but instead reflect an effort by the GAC to craft its advice within the framework approved by the GNSO. Further, we believe the process by which the GAC has brought forth its advice to the ICANN Board is consistent with its role as defined in the ICANN by-laws. Lastly, we believe the substance of the GAC Advice to be consistent with its role as defined in the Applicant Guidebook under Section 3.1. We do not find the GAC Advice surprising but instead entirely consistent, and therefore predictable, with the role expected of government representatives within ICANN’s self-regulatory, multi-stakeholder process.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Aremi Group S.A.
Application ID	1-1844-98392
Applied for TLD (string)	.art

Response:

In our response to the GAC advice and as an applicant for the .art new gTLD it is Aremi Group's belief that the applied for string is not part of a heavily regulated or professional sector likely to involve a high level of implied trust from consumers so as to require additional safeguards against consumer harm, thus its application should not be specifically included in the “consumer protection, sensitive strings, and regulated markets” category of strings.

We believe our application answers demonstrate our commitment to the general and intellectual property safeguards outlined in the GAC Advice. Aremi Group will take commercially reasonable efforts to implement the general and intellectual property safeguards outlined in the GAC Advice.

Finally, will work with the GAC to implement any further commercially reasonable safeguards that the GAC specifically identifies for Aremi Group's delegated registry.

Sincerely,
Aremi Group S.A.

1-1846-66020 Response to GAC Advice

10 May 2013

Steve Crocker, Chairman
Members of the Board of Directors
Internet Corporation for Assigned Names and Numbers
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094-2536
USA

Dear Mr. Chairman and Members of the Board:

The Rezolve Group, Inc. (“Rezolve” or the “Registry”) submitted an application (the “Application”) to operate the “.FINANCIALAID” top-level domain (“.FINANCIALAID” or the “TLD”) as an authoritative domain providing all the resources needed to research and identify education financial aid options.

In its Beijing Communiqué, the Governmental Advisory Committee (“GAC”) listed the application for .FINANCIALAID in (i) Category 1 - strings likely to invoke a level of implied trust from consumers; (ii) Category 1 Further Advice - strings associated with regulated market sectors; and (iii) and Category 2 - exclusive access. The GAC Communiqué included certain advice (the “Advice”) with respect to such strings. We are pleased to have this opportunity to provide our response to the GAC Advice with respect to .FINANCIALAID.

Summary Response

As our response below demonstrates, the Registry’s Application for .FINANCIALAID already reflects virtually all of the GAC’s recommendations with respect to strings “likely to involve a level of implied trust from consumers” and strings “associated with market sectors which have clear and/or regulated entry requirements.” To the extent certain aspects of the GAC’s Advice with respect to those two categories are not already explicitly reflected in the Application, the Rezolve Group is happy to confirm its willingness to comply with that Advice.

The GAC also advised that applications for certain “closed generic” names, including .FINANCIALAID, should serve a public interest goal. As explained below, the Application contemplates second level registrations in the TLD by fully vetted and authenticated (i) colleges and universities and (ii) financial aid providers (scholarships and lenders). In addition, we contemplate a limited number of fully vetted, authenticated, and reputable providers of complementary products and services. These registration restrictions are appropriate for the types of risks associated with the TLD. In addition, as discussed below, the Application clearly sets out the important public interest goals that will be served by the TLD and the registration restrictions. Rezolve’s operation of .FINANCIALAID will deliver public interest benefits to both Internet users and providers of higher education. Accordingly, the Application for .FINANCIALAID is fully consistent with GAC Advice with respect to “exclusive use” of generic terms.

Background

The Rezolve Group is an innovative technology and services company that focuses exclusively on postsecondary student financial aid. We believe that every individual with the interest and capability to complete a postsecondary education should be able to do so regardless of their (or their family’s) financial or personal circumstances. We believe passionately in the importance of student financial aid and seek to increase access to, and understanding of, student aid. Our work with educational institutions involves over 6,800 U.S. colleges and universities, issuing more than \$199 billion annually to 14 million individuals via an array of student aid programs including 9 federal, 605 state and 16 military aid programs, as well as thousands of individual institutional aid programs. We also assist students and families, state agencies, non-profits, and major employers by delivering technology solutions and

high-quality, personalized services to streamline the process of issuing, estimating, advising, and applying for student financial aid and the associated challenge of understanding how to pay for college.

We serve students from around the world, as well as universities throughout the world. More than 750,000 foreign students were enrolled in American colleges and universities in the 2011-2012 academic year. We also serve U.S. students who seek to study abroad, many of whom use U.S. sourced tuition assistance to attend Australian institutions. While our institutional services are currently focused on U.S.-based colleges and universities, we would expect the domain to serve other countries and other areas of financial aid as the need and opportunity grows, and could well include the student financial assistance programs that are operated in countries throughout the world. <http://www.usatoday.com/story/news/nation/2012/11/12/record-number-of-international-students-enrolled-in-colleges/1698531/>.

GAC GENERAL ADVICE

The GAC Advice calls on all registry operators to take a number of steps to enhance WHOIS accuracy, mitigate malicious and abusive registrant conduct, and ensure accountability. As Table 1 below demonstrates, our application for .FINANCIALAID is directly and fully responsive to each of these recommendations.

TABLE 1. COMPLIANCE WITH GAC “GENERAL ADVICE”

GAC Recommendation	.FINANCIALAID Response
Statistically Significant WHOIS Accuracy Check	The Registry will conduct a manual review of a random sample of WHOIS data at least twice a year to identify prima facie evidence of inaccuracy, notify registrars of any identified inaccuracies, and in appropriate cases suspend registrations until the information is corrected. <i>Application Section 28.4.</i>
Prohibit Malicious/Illegal Activity and Conduct Technical Review of Registrant Compliance	The .FINANCIALAID Acceptable Use Policy will prohibit phishing, pharming, malware distribution, fast-flux hosting, botnetting, hacking and other illegal conduct, and the registry will reserve the right to use computer forensics and information security technology to enforce those policies. <i>Application Section 28.2.1.</i>
Prohibit Violation of Intellectual Property Rights	The Acceptable Use Policy will prohibit registration and use of registrations in the .FINANCIALAID TLD in violation of third party intellectual property rights.
Registry-Provided Complaints Mechanism	The Registry will publish on its website a single abuse point of contact to receive and respond to complaints about malicious and abusive conduct. Once a complaint is received and verified, the Registry will notify the sponsoring registrar and give it 12 hours to investigate the activity and either take suspend or delete the domain name or provide a compelling argument to the Registry to keep the name in the zone. <i>Application Section 28.2.2.</i>
Meaningful Consequences	The Registry’s Acceptable Use Policy enables us to quickly lock, cancel, transfer or take ownership of any .FINANCIALAID domain name, either temporarily or

	<p>permanently, if the domain name is being used in a manner that appears to threaten the stability, integrity or security of the Registry, or any of its registrar partners and/or that may put the safety and security of any registrant or user at risk. The process also allows the Registry to take preventive measures to avoid any such criminal or security threats. <i>Application Section 28.2.1</i></p> <p>The Acceptable Use Policy may be triggered through a variety of channels, including private complaint, public alert, government or enforcement agency outreach, and the on-going Registry monitoring. In all cases, the Registry or its designees will alert THE Registry’s registrar partners about any identified threats, and will work closely with them to bring offending sites into compliance. <i>Application Section 28.2.1</i></p> <p>If a registrar does not take the requested action (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on ServerHold. <i>Application Section 28.2.2.</i></p>
Auditable Compliance Records	The Registry agrees to maintain auditable records with respect to these obligations.

GAC Category 1 Advice

The GAC Advice provides additional recommendations regarding strings “likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. “ The GAC Advice identifies a “non exhaustive” list of several hundred strings, including .FINANCIALAID. As Table 2., below, demonstrates, the .FINANCIAL AID application is fully responsive to each of these recommendations.

TABLE 2. COMPLIANCE WITH GAC “CATEGORY 1 ADVICE”

GAC RECOMMENDATION	.FINANCIALAID RESPONSE
Acceptable Use Policy Requiring Compliance With Applicable Law, e.g., Data and Consumer Protection	<p>Resolve Group will monitor the privacy standards of all sites in this domain to ensure that best practices for privacy protection standards are met. Third-party registration of second-level names in the .FINANCIALAID TLD will be limited to (i) fully vetted and accredited colleges, universities, and other educational institutions; (ii) fully vetted product and service providers; and (iii) fully vetted</p> <p>The privacy policy http://www.mymilitaryaid.com/privacy.html is generally representative of the privacy policies on the websites that Resolve Group, Inc. currently maintains. Our privacy policies may be updated from time to time in order to accommodate changes in the law, changes in our business, requirements of the marketplace, and evolving customer orientation. Such updates could have the effect of either narrowing the scope of the policy or broadening it, depending on prevailing circumstances. We will consider this as the standard requirement for all sites on the domain</p>
Require Registrars to Make Registrants Aware of Acceptable	All registrants will be fully vetted by the Resolve Group and made aware of our Acceptable Use Policy at or before registration.

Use Policy at Time of Registration	
<p>Require Appropriate Security Practices for Registrant Collection of Sensitive Health and Financial Data</p>	<p>The Rezolve Group, Inc. and our back-end operator, Neustar recognize the vital need to secure the systems and the integrity of the data in commercial solutions. The .FINANCIALAID registry solution will leverage industry-best security practices including the consideration of physical, network, server, and application elements. Neustar’s approach to information security starts with comprehensive information security policies. These are based on the industry best practices for security including SANS (SysAdmin, Audit, Network, Security) Institute, NIST (National Institute of Standards and Technology), and CIS (Center for Internet Security). Neustar’s information security team reviews policies annually. Application Section 30(a) describes the security requirements that will apply to Registry Data.</p> <p>Rezolve treats web site security just as seriously as a financial institution and has implemented a defense-in-depth security model utilizing industry best practices. We have state-of the art monitoring, prevention, and active response systems to guard against external and internal attacks as well as 24x7 monitoring of all data in motion. Additionally, McAfee Secure performs exhaustive, daily penetration tests on our systems. We maintain their highest level of certification as well as being fully PCI certified. With these high data security standards, users will have the confidence not only to trust the content provided on this domain but also to provide information when necessary. All registrants will be required to comply with these best practices. <i>Application Section 18(b)5</i></p>
<p>Relationship with Regulatory, Self-Regulatory Bodies and Strategy to Mitigate Risk of Fraud/Illegal Activities</p>	<p>One of the reasons for which Neustar was selected to serve as the back-end registry services provider by .FINANCIALAID is Neustar’s extensive experience with its industry-leading abusive domain name and malicious monitoring program and its close working relationship with a number of law enforcement agencies, both in the United States and internationally. For example, in the United States, Neustar is in constant communication with the Federal Bureau of Investigation, US CERT, Homeland Security, the Food and Drug Administration, and the National Center for Missing and Exploited Children.</p> <p>Neustar is also a participant in a number of industry groups aimed at sharing information amongst key industry players about the abusive registration and use of domain names. These groups include the Anti-Phishing Working Group and the Registration Infrastructure Safety Group (where Neustar served for several years as on the Board of Directors). Through these organizations and others, Neustar shares information with other registries, registrars, ccTLDs, law enforcement, security professionals, etc. not only on abusive domain name registrations within its own TLDs, but also provides information uncovered with respect to domain names in other registries’ TLDs. Neustar has often found that rarely are abuses found only in the TLDs for which it manages, but also within other TLDs, such as .com and .info. Neustar routinely provides this information to the other registries so that it can take the appropriate action. <i>Application Section 28.2.3.3.1.</i></p>
Collect Registrant Single Point of	The Rezolve Group agrees to require registrants to provide a single point of

Contact	contact for responding to complaints.
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GAC Category 2 Advice – Exclusive Access

The GAC Advice posits a “general rule” that the gTLD domain name space should be operated in an open manner and that the exclusive use of “strings representing generic terms” should serve a public interest goal. The GAC concedes, however, that registration restrictions may be appropriate for strings mentioned in Category 1, including .FINANCIALAID, where such restrictions are appropriate for the types of risks associated with the TLD.

Resolve Response:

As we have previously explained in our attached response to an Early Warning by the Australian Communications and Media Authority (ACMA):

- “Financial Aid” is one of many phrases used to describe the industry, and does not preclude robust competition among companies across TLD.
- Operation of the TLD as proposed is fully consistent with competition law principles. Indeed, precluding the closed use of generic strings such as .FINANCIALAID will constrain competition by eliminating an important vehicle for competition.
- Resolve has a legitimate interest in the “.FINANCIALAID” string.
- Our application to operate .FINANCIALAID is fully consistent with ICANN’s new gTLD policy, which was the product of a multi-year policy development process.

These points are explained below and in our response to ACMA.

The .FINANCIALAID Mission - Delivering Value to Schools and Students – Serves Important Public Interest Goals.

Today’s college applicants must sift through a barrage of information available online to understand the financial aid process, distinguish among the variety of programs available, identify relevant deadlines, and apply for financial aid. This information is complex, not uniformly reliable, and presented in a variety of formats that make comparisons difficult. In addition, application deadlines vary by school and by program. Our proposal for .FINANCIALAID contemplates the creation of an innovative web space that provides accurate, consistent and up-to-date information surrounding the student financial aid process. To that end, we propose to provide second level registrations and content creation and delivery tools to colleges and universities to distribute their financial aid information via the .FINANCIALAID platform. For example, a school could create and maintain pages that give an overview of financial aid including detailed information about specific school deadlines, policies, procedures or guidelines. These school-maintained pages would flow seamlessly with the third party products and services we provide to educational institutions, students, and families including, for example, our Net Price Calculator.

Based on more than twenty years of experience in this field, we are convinced that the .FINANCIALAID TLD will deliver tremendous benefit to both Internet users and colleges. Internet users would benefit from clear, authoritative information, research tools to understand what information is relevant to their unique situation, and an intuitive “apples to apples” process of understanding and contrasting financial aid across the different institutions. Colleges and universities would benefit from access to “school.FINANCIALAID” second level registration and the technology to deliver more standardized content organization and intuitive experience for current and prospective students.

The Proposed Registration Restrictions are Appropriate for the Risks Identified by the GAC.

The registration restrictions set forth in the .FINANCIALAID Application are appropriate and necessary to prevent dishonest or misleading content of any kind. Because students and families are desperate for financial aid information, they often fall prey to dishonest or other misleading services. Users will be able to access the content of this domain knowing that all information is accurate and that all services offered are legitimate and valuable. The only financial cost that an Internet user may incur would be if he or she elects to use a service offered on the domain and chooses to pay the associated fee. Rezolve will ensure that industry best practices are in place as it relates to the use, collection and storage of financial and/or credit card information. *Application Section 18.c.*

Operation of .FINANCIALAID in the Manner Proposed Does Not Raise Public Policy Concerns Regarding Competition.

As the very complete and detailed response to the Australian government’s Early Warning demonstrates, operation of .FINANCIALAID as proposed would not constitute unlawful anticompetitive behavior in United States, Australia, or – to our knowledge – any other country. In general, competition law prohibits exclusionary conduct where (1) a company possesses substantial market power, (2) that market power causes the exclusionary conduct, and (3) the behavior is motivated by a desire to eliminate or damage a competitor, prevent entry of a competitor into the market, and/or constrain competitive activities in the market.¹ In other words, in order to “misuse market power” one must first possess it.² Here, it is quite clear that the threshold requirement of market power does not exist. Numerous economic studies have been undertaken in an effort to promote or thwart ICANN’s plan to introduce new top-level domains. Although these reports reach different conclusions on many issues, none of them makes the case that new closed gTLDs will be in a position to exercise market power. Indeed, the Antitrust Division of the U.S. Department of Justice affirmatively concluded that while new TLDs could impose costs on third parties in the form of defensive registrations, most new TLDs are “unlikely to possess significant market power.”³

Even if one assumes, for the sake of argument, that a closed TLD could acquire sufficient market power to harm competition, there is no basis for this conclusion with respect to .FINANCIALAID. Financial service providers, including lenders, financial planners, and student consulting services currently offer a wide variety of products and services to help universities operate their tuition assistance programs and to help families pay for college – and they currently use a wide variety of terms to describe and market those services. The “National Institute of Certified College Planners” certifies U.S. financial planners that advise clients on paying for college. Numerous other examples can be readily identified on the Internet including, for example, 123college.com, Scholarship.com, Studentloans.com, CollegeData.com, ProEd.Com, and many others. Delegation of .FINANCIALAID to Rezolve will not foreclose continued vigorous competition by providers through different names and across TLD platforms. While a number of universities use the phrase “financialaid” on their websites (e.g., American.edu/financialaid or financialaid.gmu.edu), under our proposal they would be entitled to use the corresponding string in .FINANCIALAID.

Our March 7, 2013 response to the ACMA’s Early Warning, which is attached, provides detailed, objective evidence that the term “financialaid” is just one of numerous terms used under the broad umbrella of tuition assistance for students. We respectfully request the ICANN Board to evaluate our Application based on the facts contained in that response rather than on speculative concerns about competition that are not backed by competition theory or economics.

Conclusion

¹ George Hay and Rhona Smith: “*Why Can’t a Woman Be More Like a Man?*” *American and Australian Approaches to Exclusionary Conduct*. 31 Melb. U. L. Rev. 1099 (2007) at 1114-1115.

² Organization for Economic Cooperation and Development: *Competition Policy in Australia* (2010) at 20.

³ *Letter from James J. Tierney, U.S. Department of Justice, Antitrust Division to Lawrence E. Strickling, NTIA* dated June 14, 2011 at 3.

We appreciate – and share - the GAC’s concerns regarding consumer trust and accountability. Indeed, our Application anticipated virtually all of the recommendations contained in its Advice. As discussed above, we are prepared to implement all applicable GAC Advice with respect to Category 1 Names.

The introduction of new top-level domains is intended to promote innovation and facilitate competition. That is what the Rezolve Group intends to do through its operation of .FINANCIALAID as proposed. Although we do not agree that operation of the .FINANCIALAID TLD as proposed raises competition issues, the proposed registration restrictions for .FINANCIALAID are entirely appropriate given the consumer protection concerns expressed by the GAC. Moreover, there is a clear public interest goals for both institutions of higher education and students that is served by operation of .FINANCIALAID as proposed by the Rezolve Group. Accordingly, our Application is also consistent with GAC Advice for “exclusive use” names.

We appreciate your consideration and remain available at your convenience to discuss this matter more fully.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Reeder', with a long horizontal flourish extending to the right.

Robert T. Reeder, CIO
Rezolve Group, Inc.

rreeder@rezolvegroup.com

Attachment: Rezolve Group’s Response to Early Warning Australia EW #1-1846-66020



9738 Lincoln Village Drive Suite 130
Sacramento, CA 95827
P 916 629 7000
F 916 629 7041

March 11, 2013

Peter Nettlefold,
Director of Internet Governance and Numbering
Spectrum, Treaties and Internet Governance
+61 2 6271 1021
peter.nettlefold@dbcde.gov.au.

Members of the ICANN Governmental Advisory Group
gacearlywarning@icann.org

RE: Early Warning on “.financialaid” Australia EW # 1-1846-66020

Dear Mr. Nettlefold and members of the GAC:

I am writing in response the Early Warning filed by the Australian Communications and Media Authority (**ACMA**) regarding the application of the Rezolve Group, Inc. (**Rezolve**) to operate the “.financialaid” Top Level Domain (the **TLD**) as a “closed TLD.” We welcome this opportunity to engage in a constructive dialogue with ACMA on these important issues.

We understand ACMA’s concern to be that exclusive use of a common generic string that “relates to a broad market sector” could have a “negative impact on competition.” Having carefully considered ACMA’s Early Warning, and for the reasons explained below, however, we respectfully submit that operation of the TLD in accordance with Rezolve’s application is permitted by the ICANN policy on new gTLDs, and fully consistent with the principles of Australian competition law. Indeed, we believe that operation of the .financialaid TLD in the manner we have proposed will promote innovation, enhance competition, and deliver real benefits to both colleges and universities and the students they serve.

In short:

- “Financial Aid” is one of many phrases used to describe the industry, and does not preclude robust competition among companies across TLD.
- Rezolve’s operation of the .financialaid TLD will deliver benefits to both Internet users and providers of higher education.
- Our application fully complies with established ICANN policy.
- Operation of the TLD as proposed would not violate Australian competition law (or any other competition law).
- Australia itself permits - and actually promotes - the exclusive use of generic terms in commerce.



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- Resolve has a legitimate interest in the “financialaid” string.
- Our application to operate .financialaid is fully consistent with ICANN’s new gTLD policy, which was the product of a multi-year policy development process.
- Precluding the closed use of generic strings such as .financialaid will constrain competition by eliminating an important vehicle for competition.

Background on the Resolve Group

The Resolve Group is an innovative technology and services company that focuses exclusively on postsecondary student financial aid. We believe that every individual with the interest and capability to complete a postsecondary education should be able to do so regardless of their (or their family’s) financial or personal circumstances. We believe passionately in the importance of student financial aid and seek to increase access to, and understanding of, student aid. Our work with educational institutions involves over 6,800 U.S. colleges and universities, issuing more than \$199 billion annually to 14 million individuals via an array of student aid programs including 9 federal, 605 state and 16 military aid programs, as well as thousands of individual institutional aid programs. We also assist students and families, state agencies, non-profits, and major employers by delivering technology solutions and high-quality, personalized services to streamline the process of issuing, estimating, advising, and applying for student financial aid and the associated challenge of understanding how to pay for college.

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1. Exclusive Use of the TLD “.FinancialAid” Does Not Foreclose Competition.

Even if one assumes, for the sake of argument, that a closed TLD could acquire sufficient market power to harm competition, there is no basis for this conclusion with respect to .financialaid. Financial service providers, including lenders, financial planners, and student consulting services currently offer a wide variety of products and services to help universities operate their tuition assistance programs and to help families pay for college – and they



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currently use a wide variety of terms to describe and market those services. U.S. financial planners that advise clients on paying for college can be certified by the National Institute of Certified College Planners. Numerous examples can be readily identified on the Internet including, for example, 123college.com, Scholarship.com, Studentloans.com, CollegeData.com, ProEd.Com, and many others. Delegation of .financialaid to Resolve will not foreclose continued vigorous competition by providers through different names and across TLD platforms. While a number of universities use the phrase “financialaid” on their websites (e.g., American.edu/financialaid or financialaid.gmu.edu), under our proposal they would be entitled to use the corresponding string in .financialaid.

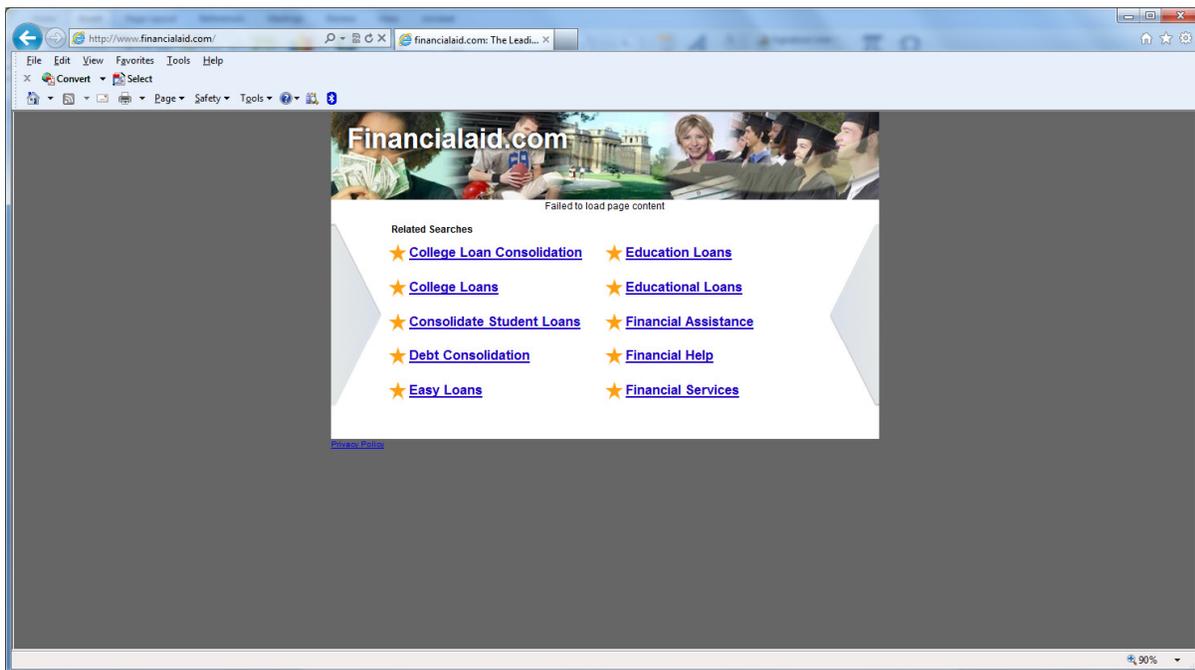
Additionally, the term “financialaid” is just one of numerous terms used under the broad umbrella of tuition assistance for students. Student aid, student financial assistance, student loans, grants, scholarships, education financing, government loans, and government grants are just a few of the many terms and variations used to describe tuition assistance for students. In fact, the U.S. Department of Education maintains the web site studentaid.ed.gov. Interestingly, they do not have a financialaid.ed.gov site.

Even within the U.S. secondary education system, there are many terms that are used to describe the department that administers tuition assistance: Office of Student Financial Planning, Office of Student Aid Programs, Office of Student Financial Services, Office of Student Loan Programs, Office of Student Loan Process, Office of Scholarships and Student Aid, and sometimes just Loan Department.

And with respect to Australia, the terms “bursary” and “bursaries” are far more relevant, recognizable, and valuable as Internet assets. Therefore, not only does “financialaid” not restrict competition, it isn’t even the top Internet property in the world, and more specifically Australia and the U.S., to describe the umbrella of tuition assistance to students.

Moreover, the “strength” of the term “financial aid” can be easily tested. First, while this process was open to all competitors, only Resolve applied for .financialaid, and to date the application has not received negative comment. Indeed, “financialaid.com” and “financialaid.com.au” both appear to be parked pages.

According to the WHOIS records, financialaid.com is owned by a domain name speculator.¹

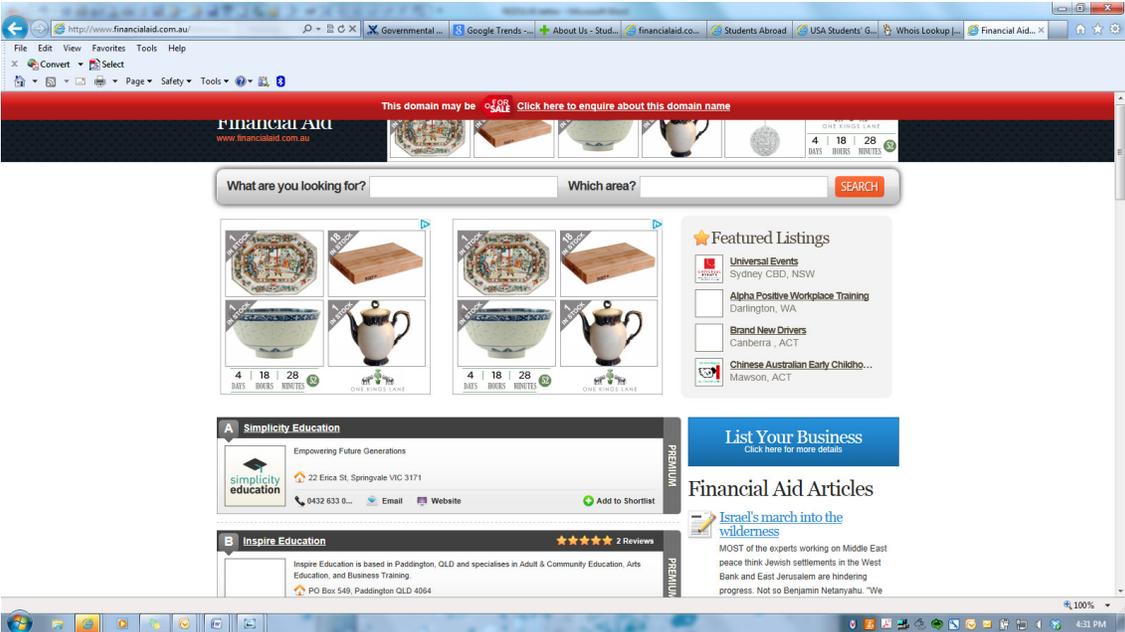


¹ According to the WHOIS Records, "financialaid.com" is held by a domainer, Fabulous.com, which advertises itself as specializing "in generating revenue through pay per click (PPC) links from the traffic your domains receive." <http://www.fabulous.com/informationcenterhttp://www.fabulous.com/informationcenter/index.htm?formcode%5bobjective%5d=&formcode%5bevent%5d=&formcode%5bregistrytime%5d=1361827002&formcode%5bcertificate%5d=1c166dfeded459abeaf979836cacd422&formdata%5bqid%5d=46>

WHOIS Record Information:

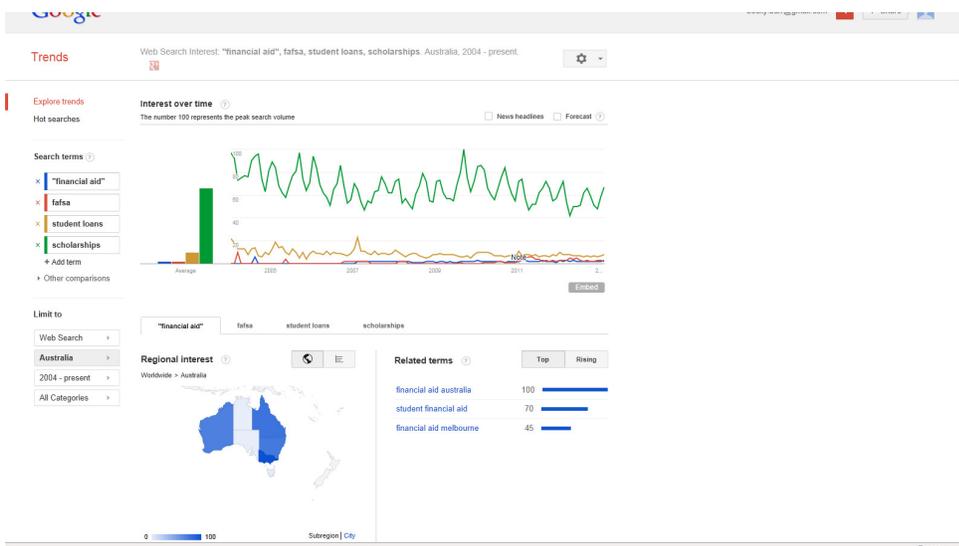
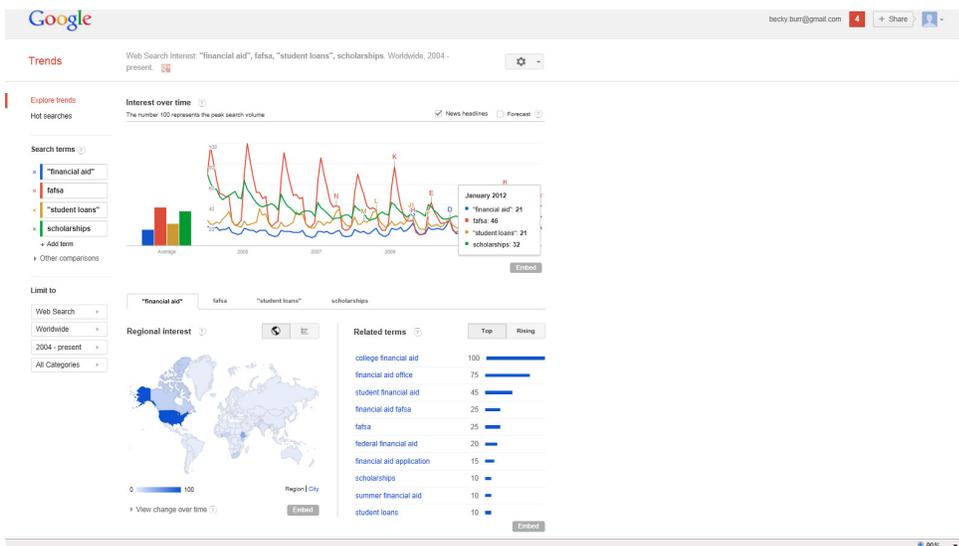
Domain Name: FINANCIALAID.COM	Registrar: FABULOUS.COM PTY LTD.
Whois Server: whois.fabulous.com	Referral URL: http://www.fabulous.com
Name Server: BUY.INTERNETTRAFFIC.COM	Name Server: SELL.INTERNETTRAFFIC.COM
Status: clientTransferProhibited	Updated Date: 16-aug-2012
Creation Date: 16-apr-1996	Expiration Date: 17-apr-2015

Likewise, financialaid.com.au, is a parked site that “may be for sale.”



If the phrase “financial aid” were so powerfully associated with the entire industry sector, one would expect to see that reflected in offline marketing and the existing gTLD structure.

Similarly, the phrase “financial aid” by itself does not appear to be a powerful search term. According to Google trends, “scholarships,” “student loans,” and “fafsa” are more likely to be used than “financial aid,” and when “financial aid” is used, it is almost always combined with a modifier such as “federal” or “summer” or “college” or “student.” The following results from Google Trends reflect the relative popularity of various search terms in both the US market and the Australian market.





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Accordingly, we do not believe that operation of .financialaid as a closed registry would diminish competition or unfairly disadvantage Rezolve's competitors.

2. The Mission of the .financialaid TLD: Delivering Value to Schools and Students

Today's college applicants must sift through a barrage of information available online to understand the financial aid process, distinguish among the variety of programs available, identify relevant deadlines, and apply for financial aid. This information is complex, not uniformly reliable, and presented in a variety of formats that make comparisons difficult. In addition, application deadlines vary by school and by program. Our proposal for .financialaid contemplates the creation of an innovative web space that provides accurate, consistent and up-to-date information surrounding the student financial aid process. To that end, we propose to provide second level registrations and content creation and delivery tools to colleges and universities to distribute their financial aid information via the .financialaid platform. For example, a school could create and maintain pages that give an overview of financial aid including detailed information about specific school deadlines, policies, procedures or guidelines. These school-maintained pages would flow seamlessly with the third party products and services we provide to educational institutions, students, and families including, for example, our Net Price Calculator.

Based on more than twenty years of experience in this field, we are convinced that the .financialaid TLD will deliver tremendous benefit to both Internet users and colleges. Internet users would benefit from clear, authoritative information, research tools to understand what information is relevant to their unique situation, and an intuitive "apples to apples" process of understanding and contrasting financial aid across the different institutions. Colleges and universities would benefit from access to a "school.FINANCIALAID" second level registration and the technology to deliver more standardized content organization and intuitive experience for current and prospective students.

3. The .financialaid Application Complies with Established ICANN Policy.

The ICANN community spent many years developing the policy to govern the allocation of new top level domains. That policy clearly permits applications for closed use of generic strings. In fact, participants in the new gTLD policy development process deliberately avoided prescriptive rules on gTLD types, choosing instead to promote innovation and to let market forces determine the variety of new TLDs. The policy contained built-in competitive safeguards, including the right for competitors to object to applications on a variety of grounds. There is no



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justification for reversing the conclusions reached during ICANN's policy development process and introducing an entirely new policy based on general and speculative concerns about competition that are not backed by competition theory or economics.

4. *The .financialaid Application Does not Violate National Law or Raise Sensitivities.*

The mission of the ICANN's Government Advisory Committee (GAC) in general is "to consider and provide advice on the activities of ICANN as they relate to concerns of governments, particularly matters where there may be an interaction between ICANN's policies and various laws and international agreements or where they may affect public policy issues." Within this context, the role of the GAC in the new gTLD program is to advise ICANN on applications "that potentially violate national law or raise sensitivities." Neither the string itself, nor the proposed operation of .financialaid, raises cultural or other sensitivities. To the best of our knowledge, as discussed below, operation of .financialaid as a closed TLD does not offend principles of competition law including, in particular, Australian competition law. Indeed, ACMA's ongoing auction of telephone numbers corresponding to generic terms leaves little doubt that Australian competition law would permit this use.

5. *The .financialaid TLD Does not Violate Australian Competition Law.*

It seems very clear that operation of the .financialaid TLD as proposed would not constitute unlawful anticompetitive behavior in your country. To begin with, Section 46 of the Trade Practices Act 1974 (TPA) prohibits exclusionary conduct where (1) a company possesses substantial market power, (2) that market power causes the exclusionary conduct, and (3) the behavior is motivated by a desire to eliminate or damage a competitor, prevent entry of a competitor into the market, and/or constrain competitive activities in the market.² In other words, in order to "misuse market power" under Australian law, one must first possess it.³

Here, it is quite clear that the threshold requirement of market power does not exist. Numerous economic studies have been undertaken in an effort to promote or thwart ICANN's plan to introduce new top level domains. Although these reports reach different conclusions on many issues, none of them makes the case that new closed gTLDs will be in a position to exercise market power. Indeed, the Antitrust Division of the U.S. Department of Justice

² George Hay and Rhona Smith: "Why Can't a Woman Be More Like a Man?" *American and Australian Approaches to Exclusionary Conduct*. 31 Melb. U. L. Rev. 1099 (2007) at 1114-1115.

³ Organization for Economic Cooperation and Development: *Competition Policy in Australia* (2010) at 20.



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affirmatively concluded that while new TLDs could impose costs on third parties in the form of defensive registrations, most new TLDs are “unlikely to possess significant market power.”⁴

While some observers have argued that there may be a market for “defensive registrations,” that cannot be an issue with respect to our application *precisely because .financialaid will be closed*. Closed TLDs by their nature do not raise concerns about cybersquatting or trademark infringement, nor do they have the potential to impose costs on commercial actors in the form of defensive registrations.

6. Australia Permits Exclusive Use of Generic Terms in Commerce

Australia permits – and in fact actively promotes – the exclusive use of generic terms that describe industry sectors by a single company, as the Australian government’s auction of “SmartNumbers” clearly demonstrates. A “smartnumber” is a free phone number (1-800) or local rate telephone number (13 or 1-300) allocated by ACMA through an online auction system. The winning bidder is awarded the enhanced right to use the smartnumber, including the right to sell or lease that number. Thus, for example, a Brisbane law firm purchased 1-300-Lawyer for \$20,000. Similarly, Telstra is offering 1-3-studentloan for sale on its website. ACMA itself promotes “smartnumbers” as a “valuable tool” to market ones business. According to the auction site:

Phonewords can be easier for callers to remember, particularly if they can be linked to an organisation’s name, product or function. For example 1300 POTATO is much easier to remember than 1300 768 286, especially days or weeks after first seeing or hearing the number advertised.⁵

Apparently, ACMA has in the past considered competition issues in the context of this program. In its *Consultation Paper on Amendments to the regulatory arrangement for the auctioning of SmartNumbers*, ACMA took the position that:

hoarding is a competition issue which may be a matter for the *Trade Practices Act 1974* (‘TPA’) and the Australian Consumer and Competition Commission (‘ACCC’). There are provisions of the TPA which prohibit behaviour that leads to a substantial lessening of

⁴ Letter from James J. Tierney, U.S. Department of Justice, Antitrust Division to Lawrence E. Strickling, NTIA dated June 14, 2011 at 3.

⁵ http://www.acma.gov.au/WEB/STANDARD/pc=PC_2477



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competition in a specific market. ACMA's practice is to refer possible examples of hoarding to the ACCC for its consideration.⁶

Likewise, Australian law appears to permit registration of generic words that reference industry sectors in its country-code TLD. For example, Banks.com.au is an independent reviewer of the Australian banking industry and its products. Likewise, studentloans.com.au is registered to Pick Home Loans, according to Melbourne IT's Whois service (although it appears to be parked). Loans.com.au is registered to a private company for its exclusive use. According to the web site, "Loans.com.au is an online home loan company, established with the aim to be Australia's leading online lender."

We are not aware of any principled basis for distinguishing the exclusive use of a generic term as a TLD from the exclusive use in commerce at the national level of a telephone number or a second level registration in a country-code TLD.

7. The Rezolve Group has a Legitimate Interest in the String.

Rezolve has been using the term "financial aid" to market its products and services for many years. Rezolve's Student Financial Aid Services business unit was established almost 20 years ago, and provides a multi-dimensional service, aiming to help clients prepare complex financial forms, reduce anxiety, understand their eligibility for the various federal, state and military aid programs, understand both the true cost of college, as well as how to pay for it, meet various applicable state and institutional deadlines in order to maximize their eligibility for aid, and answer both general and specific questions relating to the various financial aid programs. Rezolve's Student Aid Services business unit is the leading provider of net price calculator technologies and services to college enrollment and financial aid offices, serving over 700 campuses nationwide.

Conclusion

The introduction of new top level domains is intended to promote innovation and facilitate competition. That is what the Rezolve Group intends to do through its operation of .financialaid as proposed. Our proposal was based on close study of and reliance on the New gTLD Policy developed by ICANN's bottom up process over a number of years. ACMA's objection to TLDs such as .financialaid seems inconsistent with this goal. It is clear that both institutions of higher education and students can benefit from the operation of .financialaid as proposed by the Rezolve Group. Use of the string as proposed is fully consistent with

⁶ http://www.acma.gov.au/webwr/_assets/main/lib100652/smartnumbers_auction_discussion_paper.pdf



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competition law, and top regulators have opined that new gTLDs, TLDs where defensive registrations are not an issue, are unlikely to gain sufficient market power to impose costs on competition or competitors. ACMA has recognized and acknowledged this in its operation of the SmartNumbers program. Indeed, precluding the closed use of generic strings such as .financialaid will constrain competition by eliminating a vehicle for competition. We are available at your convenience to discuss this matter more fully.

Sincerely,

Robert T. Reeder, CIO
Resolve Group, Inc.
rreeder@resolvegroup.com
(916) 629-7026

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Cruise Lines International Association Inc.
Application ID	1-1852-14467
Applied for TLD (string)	CRUISE

Response:

Cruise Lines International Association (CLIA) submits the following response to the ICANN Governmental Advisory Committee’s (GAC) Advice provided in its Beijing Communiqué.

CLIA’s application for .CRUISE serves a public interest.

CLIA notes that because there are two applications for .CRUISE, and the GAC’s Advice did not provide specific Application ID Numbers, it may not be immediately clear which .CRUISE application is specifically being targeted by the GAC’s recent Advice that “strings representing generic terms [and which propose] exclusive registry access should serve a public interest goal.”

CLIA believes that when viewed in the relevant context, it is in fact the application of Viking River Cruises Ltd. (Application ID: 1-1691-43949 for .CRUISE) which is the target of the GAC’s Advice.

CLIA broadly supports the GAC’s public interest principle. CLIA believes however, that in seeking to serve the public interest, certain strings such as .CRUISE, should employ restricted access policies.

In many ways, traditional de facto “open” (and practically-speaking, unregulated) gTLD registration policies have served the public well by providing platforms for many types of innovation. On the other hand the prevalence of such open policies has often meant that there are no discernible standards or registration best practices in today’s Domain Name System.

CLIA’s application for .CRUISE seeks to introduce a new type of gTLD model to serve the public interest, by applying responsible registration standards in furtherance of public trust and safety.

GAC Advice Response Form for Applicants



CLIA is the “natural community representative” for the global cruise industry.

CLIA believes it should be relatively clear that for certain strings – even those not formally filed as a “community” for purposes of the ICANN application process – there are applicants who are clearly the “natural community representative”. CLIA is that representative for the cruise industry.

This notion of a “natural community representative” is supported by section IV.1.e.i. of the GAC’s Advice that “in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

From this foundation, because the applications for .CRUISE and .CRUISES were – somewhat surprisingly – not placed in a contention set by ICANN or its evaluators, CLIA filed a Community Objection before the International Chamber of Commerce (ICC) against Spring Way LLC’s (trading as “Donuts”) application for .CRUISES (Application ID: 1-1415-46513). (CLIA would be happy to provide a copy of its Objection to Donuts’ application for .CRUISES to the GAC on their request.)

CLIA’s new gTLD application demonstrates that it is clearly committed to “provide a trusted source of comprehensive public information to benefit those interested in cruising and all members of the cruise industry” and to “promote policies and practices that foster a safe, secure, healthy cruise ship environment for the millions of passengers and crew who sail with CLIA member cruise lines every year.” Unlike CLIA however, under the guise of so-called “inclusive” registration policies, Donuts’ application for .CRUISES proposes no such public interest undertakings. To the contrary, Donuts’ very fitness as a new gTLD applicant has been called into serious question.

CLIA’s undertakings to the Australian Government and ICANN affirm that CLIA’s application for .CRUISE is in the public interest.

CLIA recalls here that in response to its receipt of a GAC Early Warning, it met with representatives of the Australian Government in Canberra this past January. As represented to the Australian Government, and as noted in CLIA’s provisional “Public Interest Commitment” (PIC), CLIA is the unique global association for the global cruise industry; CLIA represents over 98% of the global cruise industry, and is the designated Non-Governmental Organization (NGO) for the global cruise industry at the United Nations’ specialized agency the International Maritime Organization (IMO).

CLIA is committed to ensuring that .CRUISE registry operations are compliant with applicable laws and regulations.

CLIA proposes to operate the .CRUISE registry in furtherance of public trust and safety.

GAC Advice Response Form for Applicants



To the extent permitted by applicable laws and regulations, CLIA proposes at least initially restricting the allocation of domain names in the .CRUISE registry to cruise operators, travel agents, vendors and services providers from within the membership of CLIA who meet mandated standards of safety and security, on the basis of transparent, objective, non discriminatory and qualitative registration criteria.

To ensure the reasonable application of CLIA-developed standards in the .CRUISE registry, registration eligibility will be validated upon application for a domain name registration, and may be re-validated annually; the registration and operational policies for .CRUISE will be determined after careful discussion with relevant stakeholders and legal advisers.

CLIA reaffirms its offer to provide a formal presentation to interested GAC representatives on .CRUISE domain name registration policies at the next available ICANN Meeting, at their reasonable request.

CLIA will undertake best efforts to facilitate meetings between representatives of the relevant CLIA member and the respective GAC representatives, at their reasonable request, to discuss CLIA's safety standards.

CLIA will undertake to provide interested GAC representatives with an Annual Report illustrating its consumer-protection oriented and transparent and non-discriminatory policies, at their reasonable request.

CLIA will undertake to apply its formal and self-regulatory Anti-trust Guidelines to its registry operations, and to provide a report to interested GAC representatives at their reasonable request, with recommendations for improvements should CLIA determine that the operation of the .CRUISE registry were to breach these guidelines.

The foregoing commitments are contingent on CLIA's reasonable satisfaction with the final terms of ICANN's Public Interest Commitment ("PIC") and PIC Dispute Resolution Mechanism ("PICDRP"). In such case, CLIA will consider whether any subsequent change request would be required.

CLIA appreciates the PIC and PICDRP concept as one possible vehicle for seeking to ensure that new gTLD registries are operated in the public interest and in accordance with representations made in applications. However, we note that the PIC and PICDRP are not yet in final form. As such, CLIA looks forward to a more considered discussion and continued community dialogue on the PIC and PICDRP including as to standing, process and procedure, criteria, and remedies.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	T V SUNDRAM IYENGAR & SONS LIMITED
Application ID	1-1862-71358
Applied for TLD (string)	.TVS

Response:

T V SUNDRAM IYENGAR & SONS LIMITED (hereinafter TVS) welcomes the opportunity to respond to the communiqué from ICANN's Government Advisory Committee dated 18-April-2013. TVS is a multi-billion dollar business conglomerate with operations in six countries. TVS is currently recognized as one of India's most trusted brands based upon its rich history dating back to 1911 when the company was first founded by Shri. T V Sundaram Iyengar. TVS supports the principles regarding enhanced safeguards to protect consumers. However, TVS respectfully submits that the GAC may not fully appreciate the nuances of its application and would ask that it consider the following points in its ongoing deliberations.

In connection with the issue of singular and plural versions of the same string as a TLD, the GAC has advised the Board to "[r]econsider its decision to allow singular and plural versions of the same strings." TVS acknowledges the GAC's concern regarding the potential for confusion in connection with the co-existence of the singular and plural of the same word with a common meaning, e.g. .PET and .PETS where both top-level domain names related domesticated animals. However, TVS is concerned that an attempt by the GAC to impose a one size fits all litmus test without a proper legal analysis based on established international law could lead to unintended consequences.

TVS is currently defending its application for a .TVS brand centric gTLD based upon an objection filed by VeriSign in which the principle argument is that .TVS is the plural of .TV, the country-code top level domain (ccTLD) for Tuvalu. While TVS is confident that it will ultimately prevail in the frivolous challenge by VeriSign based upon the criteria set forth in the Applicant Guidebook as well as established international trademark law, it does not currently appear from the wording of the GAC communiqué that they fully appreciate these legal subtleties in their proposed black and white litmus test.

GAC Advice Response Form for Applicants



As set forth its response to the VeriSign objection, TVS undertakes a detailed analysis of the relevant legal standards to establish that there is no probability of a likelihood of confusion in the mind of the average reasonable Internet user. This multi-factor test accounts for differences in appearance, sound, commercial impression, channels of trade, goods/services, as well as non-existence of any actual confusion. TVS also found it important to note the following facts to the panel. Specifically, that TVS was founded:

- 85 years before the entry of the .TV ccTLD into the root
- 64 years before recognition of Tuvalu; and
- 58 years before the creation of the Internet.

TVS is willing to make its formal response to VeriSign's objection available to the GAC upon request.

TVS would also respectfully request that the GAC reconsider its decision to designate the .TVS string as an intellectual property sensitive string. In light of its own extensive international intellectual property portfolio, TVS supports the GAC's efforts to responsibly mitigate the potential use of new gTLDs in connection with the offering of pirated or counterfeited goods/services. However, a cursory reading of the .TVS application should have revealed that it was not a multi-media centric TLD along the likes of .MOVIE, .MUSIC, .VIDEO, MEDIA, etc., but instead a brand centric gTLD primarily focused within the automotive industry.

The GAC's decision to designate .TVS as an intellectual property sensitive string, while not including .PICTURES, .PIC, .STREAM and .COUNTRY (specifically targeted to country music) is also difficult to reconcile. While the GAC has designated these lists as non-exhaustive, TVS is hopefully that the GAC will re-evaluate these lists and make the appropriate changes in connection with any further advice that it provides.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	The Goodyear Tire & Rubber Company
Application ID	1-1884-1217
Applied for TLD (string)	.tires

Response:

We appreciate the opportunity to provide the ICANN Board of Directors with our response to the Governmental Advisory Committee (GAC) Advice articulated in the GAC Beijing Communiqué ("Communiqué"). In the Communiqué one of our applied-for new gTLD strings <.tires>, was identified by the GAC in its "Safeguard Advice" in Annex 1 as a Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLD.

We are concerned by the GAC's position that "[f]or strings representing generic terms, exclusive registry access should serve a public interest goal." We are concerned for three (3) specific reasons:

1. The GAC is adding de facto application requirements for New gTLD applications that may adversely affect an applicant's ability to secure and fully utilize the gTLD for the purpose they intended. Applicants, such as The Goodyear Tire & Rubber Company ("Goodyear"), reasonably relied on and made a decision to apply for a gTLD, in our case .tires, based on the requirements outlined in the ICANN New gTLD Applicant Guidebook ("AGB"). Prior to launch of the New gTLD Application Window in January 2012, the AGB had gone through several years of extensive community policy debate and revision, in which the GAC was privy and actively took part. The time to add the requirement that a string representing a generic word should serve a public interest goal would have been during those policy discussions and not now, more than a year after applicants committed resources (time/money/staff) and built business plans and strategies based on the AGB. Adding new requirements at this late stage is not only unfair, but it also significantly undermines the ICANN bottom-up, multi-stakeholder, consensus policy development process.

2. The determination of whether a string serves a "public interest goal" is subjective and lacks universal meaning and decision criteria, which will result in inconsistent determinations and repeated conflict among private and public stakeholders. While we believe operating .tires as a

closed registry will serve the public interest by enabling only Goodyear and its affiliates to utilize second-level names to provide authorized, legitimate and accurate content, products and services, other 3rd parties, like an individual government agency, may think otherwise, finding restricted access to be contrary to the public interest in their country, territory or region. In such situations, whose opinion would carry the day? What body would decide the issue and what criteria would be used to make such decisions? Without universal, objective standards, and experienced, independent decision-makers, neither applicants nor the public can expect predictable and uniform results. Some applicants will find themselves barred from operation, while others will not, resulting in material harm to those applicants whose strings are arbitrarily determined to not meet "public interest goals."

3. The GAC Advice articulated for Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLDs is overly broad and reads more like a mandate than advice on how to responsibly regulate and govern the issuance of new gTLDs. Without more detailed advice about considerations and mechanisms that could be used to decide whether a string will serve "public interest goals," acceptance of this piece of GAC Advice would set a dangerous precedent that it is acceptable for the GAC to issue mandates after the policy-making process and not provide specific recommendations and inputs during policy formulation stages.

Therefore, for the above-stated reasons, The Goodyear Tire & Rubber Company recommends that the ICANN Board of Directors reject the GAC Advice requiring exclusive registry access to serve a public interest goal for strings representing generic terms.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	The Canadian Real Estate Association
Applicant ID	1-1888-47714
Applied for TLD (string)	.MLS

Response:

The Canadian Real Estate Association (CREA) is a trade association whose membership consists of more than 100,000 real estate brokers, agents, and salespeople, working through 100 member real estate boards and provincial associations across Canada.

CREA is the owner of the MLS® trademarks in Canada and licenses the use of those trademarks to its members. The MLS® trademarks are registered in Canada as “certification marks”, which means that they identify a standard or level of service provided by the members of the group licensed to use the marks. In this case, the MLS® marks, and the proposed .MLS TLD, identify professional services rendered by members of CREA to effect the purchase and sale of real estate as part of a cooperative selling system.

Member Boards operate cooperative selling systems, which include an inventory of listings of participating REALTORS® and ensures a high level of accuracy of information, professionalism, and cooperation amongst REALTORS® to affect the purchase and sale of real estate. These cooperative selling systems are called MLS® Systems and they date back to 1955 in Canada.

In principle, we agree with the GAC Advice and believe the ICANN Board should make a concerted effort to incorporate this advice for new gTLDs. We do not interpret the GAC Advice as raising new matters of policy but instead reflect an effort by the GAC to craft its advice within the framework approved by the GNSO. Further, we believe the process by which the GAC has brought forth its advice to the ICANN Board is consistent with its role as defined in the ICANN by-laws. Lastly, we believe the substance of the GAC Advice to be consistent with its role as defined in the Applicant Guidebook under Section 3.1. We do not find the GAC Advice surprising but instead entirely consistent, and therefore predictable, with the role expected of government representatives within ICANN’s self-regulatory, multi-stakeholder process.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Travelers TLD, LLC
Application ID	1-1895-33687
Applied for TLD (string)	.travelersinsurance

Response:

Introduction

Travelers TLD, LLC (“Travelers TLD”), the new gTLD applicant for the .travelersinsurance string, writes to address the Safeguard Advice that was issued by the Governmental Advisory Committee (GAC) on April 11, 2013 against .travelersinsurance. See Beijing GAC Communiqué, Annex 1 at 8-9 (“Beijing Communiqué”). Travelers previously responded to a GAC Early Warning issued by the Australian Government for the .travelersinsurance string with a letter dated February 17, 2013, and responded to the Beijing Communiqué in letters dated May, 2, 2013 (all such letters to be sent to ICANN under separate cover for ICANN’s reference) (“GAC Letters”). As described in these letters, and below, Travelers TLD believes that the .travelersinsurance string is branded and specific to its parent company’s insurance offerings and services and is not a generic term, thus, the string should not have been included on the list of financial strings requiring certain consumer protection safeguards. Our hope is that this letter will (1) clarify the nature and purpose of the .travelersinsurance TLD; (2) reveal the distinct differences between .travelersinsurance and the other new gTLD strings listed under Category 1 of the Annex to the Beijing Communiqué; (3) convince the ICANN Board that .travelersinsurance was placed on the Category 1 list in error; and (4) cause the Board to conclude that the additional safeguards now being recommended by the GAC for .travelersinsurance are unwarranted.

GAC Safeguard Advice for .Travelersinsurance

The Beijing Communiqué states that “strings that are linked to regulated or professional sectors ... are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.” Beijing Communiqué at 8. For these reasons, the GAC recommends that the ICANN Board apply a number of safeguards to .travelersinsurance, as the string relates to consumer protection, sensitive strings and/or a regulated market sector.

.Travelersinsurance Does Not Belong on the List

The Travelers Indemnity Company ("Travelers"), the parent company of Travelers TLD, is an insurance company and, through its affiliated Travelers companies, has global operations and a long history dating back to 1864. With more than 30,000 employees, Travelers is a leading provider of property casualty insurance for auto, home and business in the United States and selected international markets, including North and South America, Europe and Asia. Travelers serves millions of customers, meeting insurance needs in more than 90 countries throughout its network of insurers. A component of the Dow Jones Industrial Average (symbol: TRV), the company generated revenues of approximately \$26 billion in 2012. See Travelers website at <http://www.travelers.com>.

As discussed in the GAC Letters, it is critical to clarify that the .travelersinsurance string refers to a specific brand name in which Travelers has well established trademark rights. Specifically, Travelers has registrations world-wide in the "Travelers" and "Travelers"-formative marks relating to the insurance and financial goods and services it provides. By way of example, "Travelers" is a registered mark in the United States, Canada, Switzerland, the European Union, Singapore, Vietnam, and Bolivia. In addition, registrations for formative marks that include the term "Travelers" can be found in Australia, the United States, Switzerland, the United Kingdom, the European Union, China, India, Japan and Brazil. An example of Travelers' registered composite mark - e.g., the word "Travelers" along with the Umbrella design is shown in numerous websites around the world, including but not limited to, at www.travelers.com; www.travelerscanada.ca; www.travelers.co.uk; www.travelers.ie; and www.travelers.com.sg.

The use of the word Travelers in "Travelers insurance" is (as mentioned above) a trademarked brand of an insurance company (i.e., Travelers) that provides a broad range of insurance products and services. As described in the GAC Letters, it is also critical to clarify that "Travelers insurance" is not a generic term, nor should it be equated to travel insurance (i.e., the common generic string for a broad market sector of "insurance of travel," "insurance for travelers," or "insurance for people traveling"). Rather, it is a famous brand (i.e., Travelers) plus a generic term (insurance) that describes the industry in which the brand operates as a famous mark. A perusal of the financial strings listed under Category 1 of the Beijing Communiqué reveals purely generic terms, such as .insurance, .insure, .lifeinsurance, .carinsurance, .bank, .financial, .finance, .fund, .loans and .market. Similarly, all the other strings listed in the various subcategories of the Category 1 list (and even Category 2) are also purely generic terms. The .travelersinsurance string, on the other hand, is the only string on the list comprised of a combination of a generic term for the products Travelers provides (i.e., insurance products) and its well-established trademark rights to the "Travelers" brand in the insurance market. Stated another way, it is unlike any of other strings listed in Category 1 of the Beijing Communiqué, and is thus misplaced in this category.

It is unwarranted and inconsistent to single out .travelersinsurance as the only .brand-related string to make the list of new gTLD strings requiring additional safeguards. Moreover, the lone fact that the .travelersinsurance string "includes" a generic term (i.e., "insurance") that relates to a regulated market sector should not be sufficient to warrant its inclusion on the list. If it were, then all strings meeting that criteria would need to be added to the Category 1 list, such as, .hdfcbank, .lplfinancial, .softbank, and guardianmedia -- all of which would surely qualify as "financial" or "intellectual property" strings and also require implementation of these additional safeguards. The .travelersinsurance string is no different from these strings, in that they all are

GAC Advice Response Form for Applicants



.brand-related strings for closed or restricted TLDs, and all are comprised of the combination of a generic term and a brand specific name.

Furthermore, keeping the .travelersinsurance string on this list could suggest to the new gTLD community that there is a specific concern about this .brand-related application that does not exist with other similar .brand-related applications. Such an impression, even if mistaken, could disadvantage Travelers and its .travelersinsurance application to its detriment, as compared to other brand-insurance, brand-bank, brand-finance, or any other brand-generic string. In addition, this inconsistency creates uncertainty for other .brand-industry related strings regarding whether ICANN will decide to impose additional safeguards on them at a later date. While Travelers TLD respects and shares the GAC's concerns over strings, such as those relating to the insurance sector, that invoke a level of implied trust from consumers and thus carry higher levels of risk associated with consumer harm, Travelers maintains that it should not be held to a more stringent standard than similarly situated new gTLD applicants for other .brand-related strings. For all of these reasons, Travelers encourages and requests that the ICANN Board find that the GAC safeguard advice issued against .travelersinsurance was either made in error or is unwarranted.

GAC Discussions

Travelers TLD has articulated the concerns recited herein with several GAC members, including Peter Nettlefold, Suzanne Radell, and Heather Dryden, and has received an initial indication from some members that there may be inconsistencies in the list, especially as it relates to this string. Travelers TLD believes that ICANN and the GAC have a vested interest in treating similar applications in a similar and consistent way, yet this cannot be the case if .travelersinsurance remains on the GAC list.

Furthermore, including .travelersinsurance on the list creates a significant issue of inconsistency and ambiguity regarding how to interpret and implement the Beijing Communiqué. Accordingly, Travelers TLD encourages and requests that ICANN ask the GAC to clarify how it arrived at such a decision so that ICANN and all gTLD applicants with "brand-generic" strings will know with certainty how to interpret and implement the Beijing Communiqué. Clear and consistent implementation of the Beijing Communiqué is essential to having a robust and non-arbitrary system for protecting the public and preserving competition in the DNS space.

Travelers' Commitment

Finally, Travelers TLD respects the concerns of the GAC regarding new gTLDs. Travelers is generally supportive of the application of the six safeguards that the GAC has advised should apply to all new gTLDs. Beijing Communiqué at 7. These six safeguards should help to mitigate abuse and consumer harm and preserve the public's confidence and trust in the Domain Name System and the Internet in general. Further, while Travelers TLD believes that .travelersinsurance should be removed from Category 1, it remains fully committed to operating this registry in a manner that complies with ICANN's mandate of fostering competition, diversity, security and stability in the DNS space, while also making strides to enhance and expand the Travelers brand.

We sincerely appreciate the opportunity to provide the ICANN Board with this response to the Beijing Communiqué and hope our comments have been helpful and will lead to the removal of

GAC Advice Response Form for Applicants



.travelersinsurance from the GAC's list. We would be happy to provide you with any other information needed on the above issues and concerns.

Brian J. Winterfeldt
202 429 6260 direct
202 261 7547 fax
bwinterfeldt@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

February 17, 2013

VIA EMAIL to Peter.Nettlefold@dbcde.gov.au
Mr. Peter Nettlefold
Department of Broadband, Communications and the Digital Economy
Manager – Internet Governance, IPND and Numbering Team
GPO Box 2154 Canberra ACT 2601

RE: Australia Early Warning on .TRAVELERSINSURANCE
Application ID: 1-1895-33687

Dear Mr. Nettlefold:

On behalf of our client Travelers TLD, LLC (“Travelers TLD”), we write to address the Early Warning concerning .travelersinsurance issued by the Australian Government on November 20, 2012. We appreciate the opportunity to respond to the issue raised therein and hope that the information we now provide will clarify the nature and purpose of the .travelersinsurance TLD. Further, we hope that our explanation of the issue raised by the Australian Government will reassure it of the propriety of the TLD and forestall further objection to Travelers TLD’s proposed registry.

The Australian Early Warning

The Australian GAC Early Warning stated as follows, identifying its primary concerns as potential competition issues arising out of operating .travelersinsurance as a “closed generic”:

The proposed string, .travelersinsurance, is a common generic term relating to a market sector. Travelers TLD, LLC is proposing to exclude any other entities, including potential competitors, from using the TLD. Restricting common generic strings for the exclusive use of a single entity could have unintended consequences, including a negative impact on competition.

As possible remediation steps, Australia recommended that Travelers TLD “specify criteria for third party access to the TLD.” Further, said criteria “should be appropriate for the types of risk associated with the TLD, and . . . not set anti-competitive or discriminatory conditions” Australia also recommended that the criteria adopted form part of any binding contract entered into with ICANN and be subject to oversight by ICANN.

Travelers’ Response

The Travelers Indemnity Company (“Travelers”), the parent company of Travelers TLD, is an insurance company and, through its affiliated Travelers companies, has global operations and a long history, dating back to 1864. With more than 30,000 employees, Travelers is a leading provider of property casualty insurance for auto, home and business in the United States and selected international markets, including North and South America, Europe and Asia. Moreover, Travelers is able to meet insurance needs in more than 90 countries worldwide through its network of insurers. A component of the Dow Jones Industrial Average (symbol: TRV), the company generated revenues of approximately \$26 billion in 2012. (See Travelers website at www.travelers.com and global screen shots shown in Exhibit A hereto).

Travelers agrees that delegating purely generic strings that refer to highly regulated industries for the exclusive use of a single entity (for example, .insurance) could raise anti-competitive concerns, and potentially undermine the purpose and goals of the new gTLD program itself, *i.e.*, to encourage diversity, promote competition, and enhance the utility of the DNS system. In fact, Travelers has actively supported the efforts of the American Insurance Association (AIA) to draw ICANN’s and the GAC’s attention to the problems inherent in the generic insurance-related strings, such as .insurance, .insure, .carinsurance, and .autoinsurance, including through public comments and outreach efforts. However, Travelers believes that the concern with purely generic strings, and the related concern expressed by the Australian GAC in its Early Warning – *i.e.*, operating .travelersinsurance as a “closed generic” – it simply inapplicable to the proposed Travelers TLD for the following reasons.

First, it is critical to clarify that the “.travelersinsurance” string refers to a specific brand name in which Travelers TLD’s parent company, Travelers, has well established trademark rights. In particular, Travelers has registrations world-wide in the “Travelers” and “Travelers”-formative marks relating to the insurance and financial goods and services we provide. By way of example, “Travelers” is a registered mark in the United States, Canada, Switzerland, the European Union, Singapore, Vietnam, and Bolivia. Moreover, registrations for formative marks that include the term “Travelers” can be found in Australia,¹ the United States, Switzerland, the United Kingdom, the European Union, China, India, Japan, and Brazil. An example of Travelers’ registered composite mark in Australia is shown below:

¹ In Australia, it has a registration for Travelers and its Umbrella design, reg. no.1228350. In addition, it has registrations for Travelers Institute, reg. no. 1323924 in classes 35, 36 and 41, and Travelers Championship, reg. no. 1186986 in Class 41.



Therefore, this application does not represent an attempt to restrict access to a broader market sector through a generic string. Travelers' operation of the TLD will not preclude any other insurance company from utilizing their own brand names in a TLD string. Other insurance companies were able to apply for new gTLD strings that contain their brand name plus the generic "insurance" term, and would be able to do so in any future TLD application rounds. To be clear, nothing about the .travelersinsurance string closes out any other insurance company from applying for its own TLD and/or from providing insurance services on the Internet, and thus the TLD does not present competition issues.

Furthermore, because the TLD is comprised of the combination of a generic term for the products Travelers provides (i.e., insurance services) and its well-established trademark rights to the "Travelers" brand in that market, the TLD in no way narrows or closes the market to competitors, and instead serves to better guide consumers to Travelers' offerings, thus fulfilling the ICANN goal of less confusion for Internet users.

Finally, the common generic string for the broad market sector of "insurance for travel", "insurance for travelers", and "insurance for people traveling" is commonly referred to as "travel insurance." Exhibit B shows internet search results using www.google.com for these three strings, all of which show "travel insurance" is the common industry term (i.e., generic string) for this broad market sector. In addition, searches using Google-Australia and Google-UK produce the same results, as also shown in Exhibit B. Conversely, the use of the word Travelers in "Travelers insurance," is (as mentioned above) a trademarked brand of an insurance company (i.e., Travelers) that provides a broad range of insurance products and services.

For all of these reasons, Travelers hopes that Australia and other GAC nations will conclude that remediation is unnecessary and that formal advice is unwarranted.

Travelers' Commitment

Travelers TLD respects the concerns of the Australian Government, and appreciates this opportunity to clarify, and it hopes, assuage any concerns Australia has. As set forth above, Travelers TLD believes that the .travelersinsurance string is simply not anti-competitive or generic, but rather, is branded and specific to Travelers' products in a way that will be beneficial to consumers.

Travelers TLD is committed to operating this registry in a manner that complies with ICANN's mandate of fostering competition, diversity, and security, while also making strides to enhance and expand the Travelers brand. In this endeavor, Travelers TLD wants to ensure that your concerns are fully and appropriately addressed and looks forward to your reply. Moreover, we are happy to make members of the Travelers TLD team available for further discussion of this

Letter to Mr. Peter Nettlefold

February 17, 2013

Page 4

issue through whichever medium you prefer including, email, telephone, in-person meetings, and/or video conference.

We sincerely appreciate the opportunity to provide you with these and any other requested clarifications in advance of the issuance of GAC Advice.

Sincerely yours,

A handwritten signature in black ink that reads "Brian J. Winterfeldt". The signature is written in a cursive, flowing style.

Brian J. Winterfeldt

cc: Gerald L. DePardo, Travelers

Enclosures:

Exhibit A – Sample of Travelers global website screen shots

Exhibit B – Internet search results

Exhibit A

Sample screen shots from Travelers global businesses

www.travelers.com

Travelers Insurance | Auto Insurance | C...

Home | For Agents/Brokers | For Investors | Careers | Español **LOG IN** Search

For Individuals **For Business** **Claim Center** **Contact Us** **About Travelers**

Welcome to Travelers

Insurance for your auto, home and business

Get a Quote

Auto [v]
ZIP Code **START A QUOTE**
Retrieve your quote

Find an Agent
Log In

Insurance for Individuals

You have a lot to protect. Travelers' comprehensive policies and proactive claim service can help put your mind at ease.

- [Auto Insurance](#)
- [Homeowners Insurance](#)
- [Renters Insurance](#)
- [Condo Insurance](#)
- [Flood Insurance](#)
- [Umbrella Insurance](#)
- [Wedding & Private Events Insurance](#)
- [Identity Fraud Protection](#)
- [Valuable Items Coverage](#)

Insurance for Business

Our array of insurance options cover companies small to large, giving you the specialized coverage and claim service you need to do business with confidence.

- [Small Businesses](#)
- [Mid-Sized Businesses](#)
- [Large Businesses](#)
- [International Businesses](#)
- [Specialized Risks](#)
- [Surety Bonds](#)
- [Management & Professional Liability](#)
- [Risk Control](#)

To Report a Claim

Call 800.252.4633

We are here to help. 24 hours a day, 365 days a year

CLAIM ASSISTANCE LINE

Reported your claim, but need additional assistance? We can help. **Feedback**

Unknown Zone (Mixed) 125%

Travelers in Canada
www.travelerscanada.ca

The screenshot shows the Travelers Canada website homepage. At the top left is the Travelers logo, and at the top right are navigation links: Contact Us | For Brokers | New Home Warranty | Careers | Travelers.com | Français. A 'FIND A BROKER >' button is located in the top right corner. Below the header is a red navigation bar with the following menu items: INDUSTRY EXPERTISE, INSURANCE PRODUCTS, CLAIMS CENTRE, RISK CONTROL SERVICE, and ABOUT US. The main content area features a large image of a man in a light blue shirt working on a laptop in a warehouse. Overlaid on the image is the text 'Insurance for your business' and the tagline 'MINIMIZE RISK. PREVENT LOSS. PREPARE FOR THE UNKNOWN.' Below the main image is a horizontal row of four service categories, each with an icon and a right-pointing arrow: 'Property & Casualty' (with a building icon), 'Management & Professional Liability' (with a briefcase icon), 'Surety Bonds' (with a padlock icon), and 'Join our Team' (with a red umbrella icon). The browser's address bar at the bottom shows 'Done' and 'Internet', and the zoom level is set to 125%.

Travelers in the UK
www.travelers.co.uk

Travelers UK - Business Insurance

Company History | Contact Us

TRAVELERS

About Us | Risk Control/Management | Claims | Careers | Financial Strength

Insurance for Business

Tailored for you, your business and your bottom line

TRAVELERS INSURANCE PRODUCTS

A wide range of property, liability and other insurance covers for the private, public and institutional sectors...

TRAVELERS SYNDICATE (5000) MANAGEMENT

Specialist covers for particularly large, complex or unusual risks, provided through our Lloyd's of London operation...

INTERNATIONAL

IRELAND

US

ASIA

CANADA

SOLICITORS' PROFESSIONAL INDEMNITY

Extensive experience and expertise in protecting law firms from the risk of

RISK CONTROL/MANAGEMENT

Expert, hands-on guidance to help organisations head off problems

Done Internet 125%

Travelers Syndicate 5000 international relationships through Lloyd's of London

<http://www.travelers.co.uk/iwcm/UKSyndicates/BusinessLines/GlobalProperty/index.html>

The screenshot shows a web browser window displaying the Travelers Global Property page. The browser's address bar shows the URL: <http://www.travelers.co.uk/iwcm/UKSyndicates/BusinessLines/GlobalProperty/index.html>. The page header includes the Travelers logo, the text "Travelers Syndicate Management Ltd.", and the date "February 17, 2013". The navigation menu includes "Home", "Business Lines", "About Us", "Literature", and "Links". The "Business Lines" menu is expanded, showing "Accident & Special Risks", "Aviation", "Global Property", "Marine", and "Power & Utilities". The main content area is titled "Global Property" and features a photograph of a construction worker in an orange safety vest and white hard hat. The text describes the Global Property Unit as a recognized market leader for property business written on primary, full-value or excess-of-loss bases. It states that business is accepted either on a direct basis or as a facultative reinsurance. The page lists key benefits and features, including worldwide commercial/industrial property coverage, property and package binding authorities, property lineslips, and a capacity up to US\$15m any one risk. It also lists reasons to choose Travelers, such as their extensive capability to provide broad property coverage, their underwriters' wealth of expertise and experience, and their commitment to providing an efficient service and fostering long-term relationships with brokers and clients.

Global Property | Travelers Insurance UK

Home Business Lines About Us Literature Links E-Mail Printer Friendly

Travelers
Travelers Syndicate Management Ltd.
February 17, 2013

Business Lines

Global Property

Who is it for?
The portfolio ranges from light commercial risks to light industrial risks and have a dedicated Power and Utility team for all power and midstream business. We will consider most occupancies but do not currently write oil and petrochemical risks or underground mines.

Our Global Property Unit is a recognised market leader for property business written on primary, full-value or excess-of-loss bases.

Business is accepted either on a direct basis or as a facultative reinsurance. Coverage can be on a full all risks basis or for specific perils. Wordings can be issued either on a market standard wording or on a manuscript form, tailored to the client's specific requirements.

Key benefits and features

- Worldwide commercial/industrial property – primary, full value and excess of loss
- Property and package binding authorities
- Property lineslips
- Capacity up to US\$15m any one risk

Why choose Travelers?

- We have an extensive capability to provide broad property coverage for a wide spectrum of commercial risks using the global reach of Lloyd's licences.
- Our underwriters' wealth of expertise and experience enables the Global Property Unit to provide flexible solutions tailored to our clients' risk exposures.
- We are highly committed to providing an efficient service.
- We foster long-term relationships with brokers and clients, securing the associated benefits for each party.

Travelers Syndicate 5000 international relationships through Lloyd's of London

<http://www.lloyds.com/lloyds/offices/asia/china/underwriting-divisions/travelers>

The screenshot shows a web browser window displaying the Lloyd's website. The page title is "Travelers - Lloyd's". The main navigation bar includes "ABOUT US", "THE MARKET", and "NEWS AND INSIGHT". A search bar is located in the top right corner. The breadcrumb trail is "ABOUT US > Global Offices > Asia > China > Travelers". The left sidebar contains a list of underwriting divisions: Ace Tempest Re, Catlin, CV Starr, Navigators, Sportscover, Travelers (highlighted), and Non-Represented Divisions. The main content area features the heading "TRAVELERS" and a sub-heading "Brief Introduction". The text describes the Travelers Underwriting Division as part of the Travelers Companies, Inc., an international property-casualty insurance group with headquarters in the U.S. and annual revenues of around US\$25bn. It also mentions that the division offers flexible, specialist, and responsive underwriting to meet the needs of brokers and clients throughout China and the region. Below the introduction are sections for "Direct Insurance Products" and "Reinsurance Products", both with expandable icons. The "Contact Information" section lists James Miao as the Director of Underwriting, with contact details for the Travelers Underwriting Division at Lloyd's Insurance Company (China) Limited, including telephone, fax, and email addresses. On the right side, there are two sections: "UNDERWRITING DIVISIONS" with a list of divisions (Ace Tempest Re, Catlin, CV Starr, Navigators, Sportscover, Non-Represented Divisions) and "RELATED TOPICS" with links to "Lloyd's Representative Office in Beijing", "Lloyd's Insurance Company China Ltd", and "China's Insurance Profile". The browser's address bar shows the URL, and the status bar at the bottom indicates the page is viewed in Internet Explorer at 125% zoom.

LLOYD'S
THE WORLD'S SPECIALIST INSURANCE MARKET

Search lloyds.com **Search**

ABOUT US | **THE MARKET** | **NEWS AND INSIGHT** | **TOOLS** | **GLOBAL OFFICES** | **CONTACTS** | **LOGIN/REGISTER**

ABOUT US > **Global Offices** > **Asia** > **China** > **Travelers**

Ace Tempest Re >
Catlin >
CV Starr >
Navigators >
Sportscover >
Travelers >
Non-Represented Divisions >

TRAVELERS

Travelers Underwriting Division is the underwriting division within Lloyd's China specific to Travelers Syndicate 5000 at Lloyd's, managed by Travelers Syndicate Management Limited.

Brief Introduction

Travelers Syndicate Management Limited is part of the Travelers Companies, Inc. – an international property-casualty insurance group with its headquarters in U.S. that traces its origins to 1853, and has annual revenues of around US\$25bn and total assets worth around US\$105bn in 2010.

Travelers Underwriting Division offers brokers and clients flexible, specialist and responsive underwriting to meet their needs and provide reinsurance support throughout China and the region. Also, a tight commercial focus and proven expertise in specialist fields enables Travelers Underwriting Division to provide superior underwriting and support services in selected strategic markets.

Direct Insurance Products

Reinsurance Products

Contact Information

James Miao
Director of Underwriting

Travelers Underwriting Division
Lloyd's Insurance Company (China) Limited
Tel: +86 21 6162 8230
Fax: +86 21 6162 8280
Email: James.Miao@lloyds.com

UNDERWRITING DIVISIONS

- > Ace Tempest Re
- > Catlin
- > CV Starr
- > Navigators
- > Sportscover
- > Non-Represented Divisions

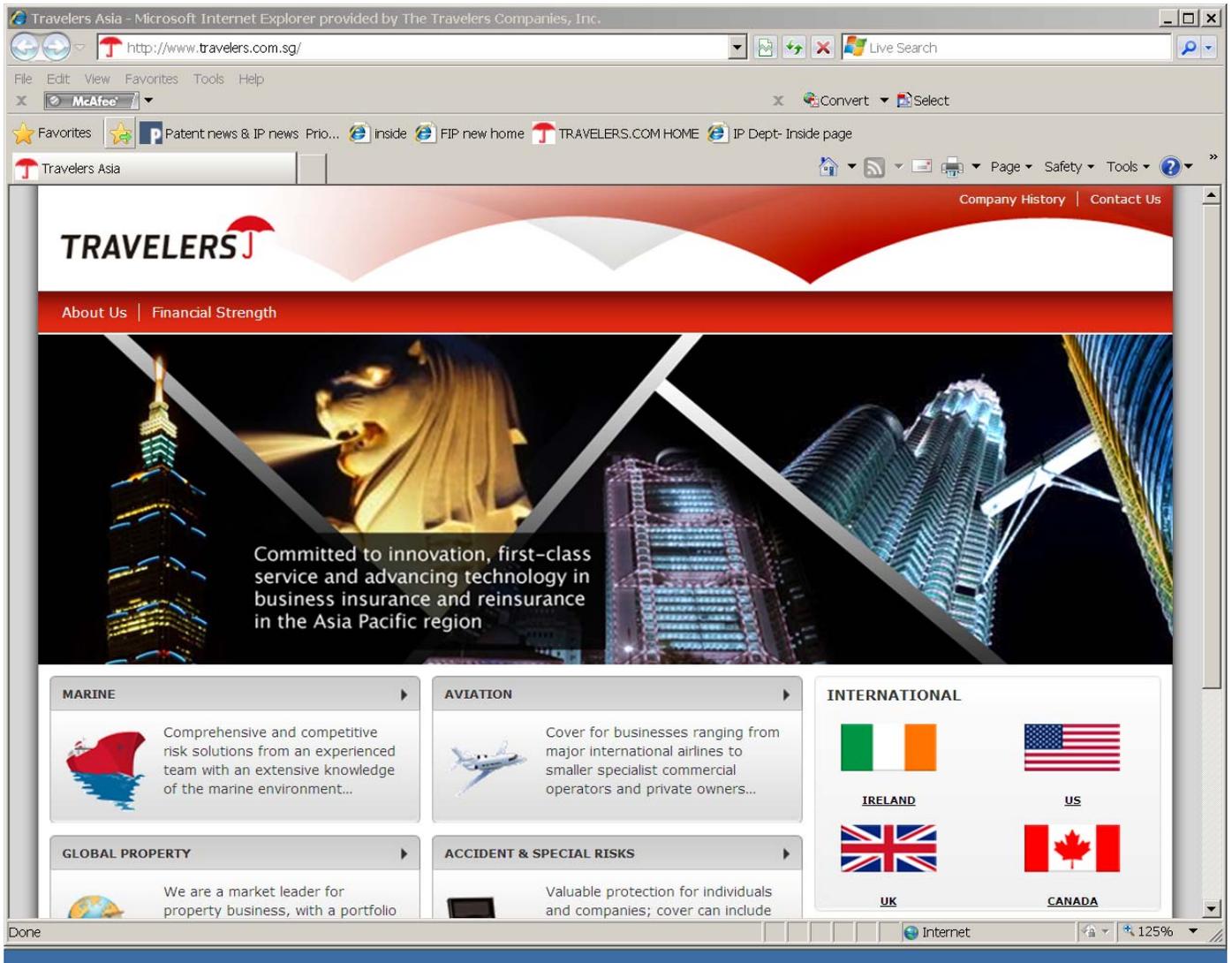
RELATED TOPICS

- > Lloyd's Representative Office in Beijing
- > Lloyd's Insurance Company China Ltd
- > China's Insurance Profile

Internet 125%

Travelers in Singapore

www.travelers.com.sg



Travelers in Ireland

www.travelers.ie

The screenshot shows the Travelers Ireland website interface. At the top, the browser title is "Travelers Ireland - Business Insurance | ...". The website header features the Travelers logo (a red umbrella) and the word "TRAVELERS" in a bold, sans-serif font. To the right of the logo are links for "Company History" and "Contact Us". Below the logo is a red navigation bar with links for "About Us", "Broker Services", "Careers", "Claims", "Literature", and "Financial Strength".

The main banner image shows a person standing on a rocky cliff edge, holding a red umbrella, overlooking a vast, green landscape under a cloudy sky. The text "A strong insurance heritage to help ensure a secure future" is overlaid on the left side of the banner.

Below the banner are several content boxes:

- TRAVELERS INSURANCE PRODUCTS**: Better insurance solutions for businesses, private individuals and institutions...
- FINANCIAL STRENGTH**: The advantage of being part of a leading US insurer established over 150 years ago...
- INTERNATIONAL**: Features flags for the UK, US, ASIA, and CANADA.
- MAKING A CLAIM**: Information on how to use our swift and efficient claims service...
- NEWSROOM**: Travelers breaking news, information and media contacts...

The browser's status bar at the bottom shows "Done", "Internet", and a zoom level of "125%".

Travelers in Brazil
<http://www.jmalucelliseguradora.com.br/>

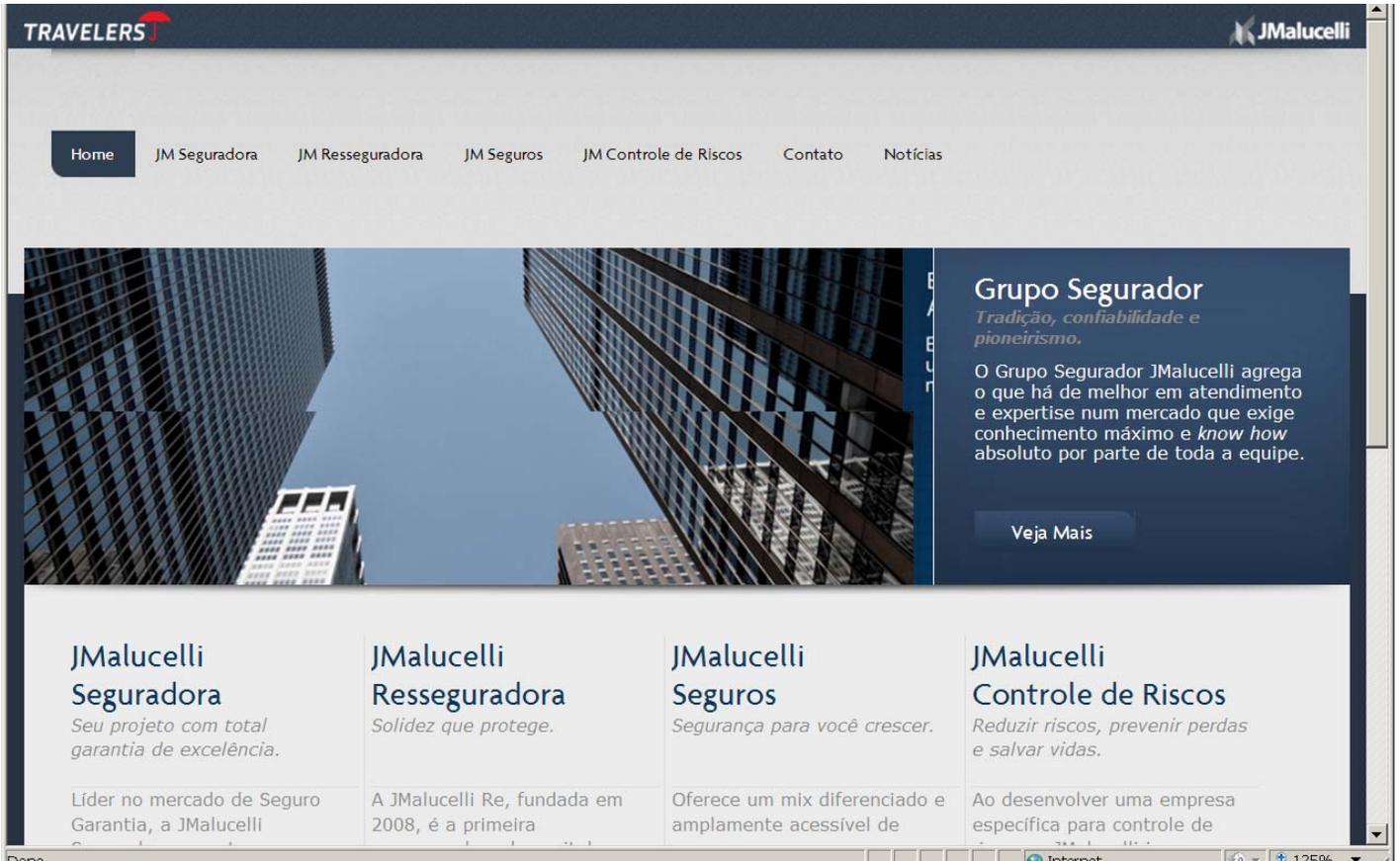
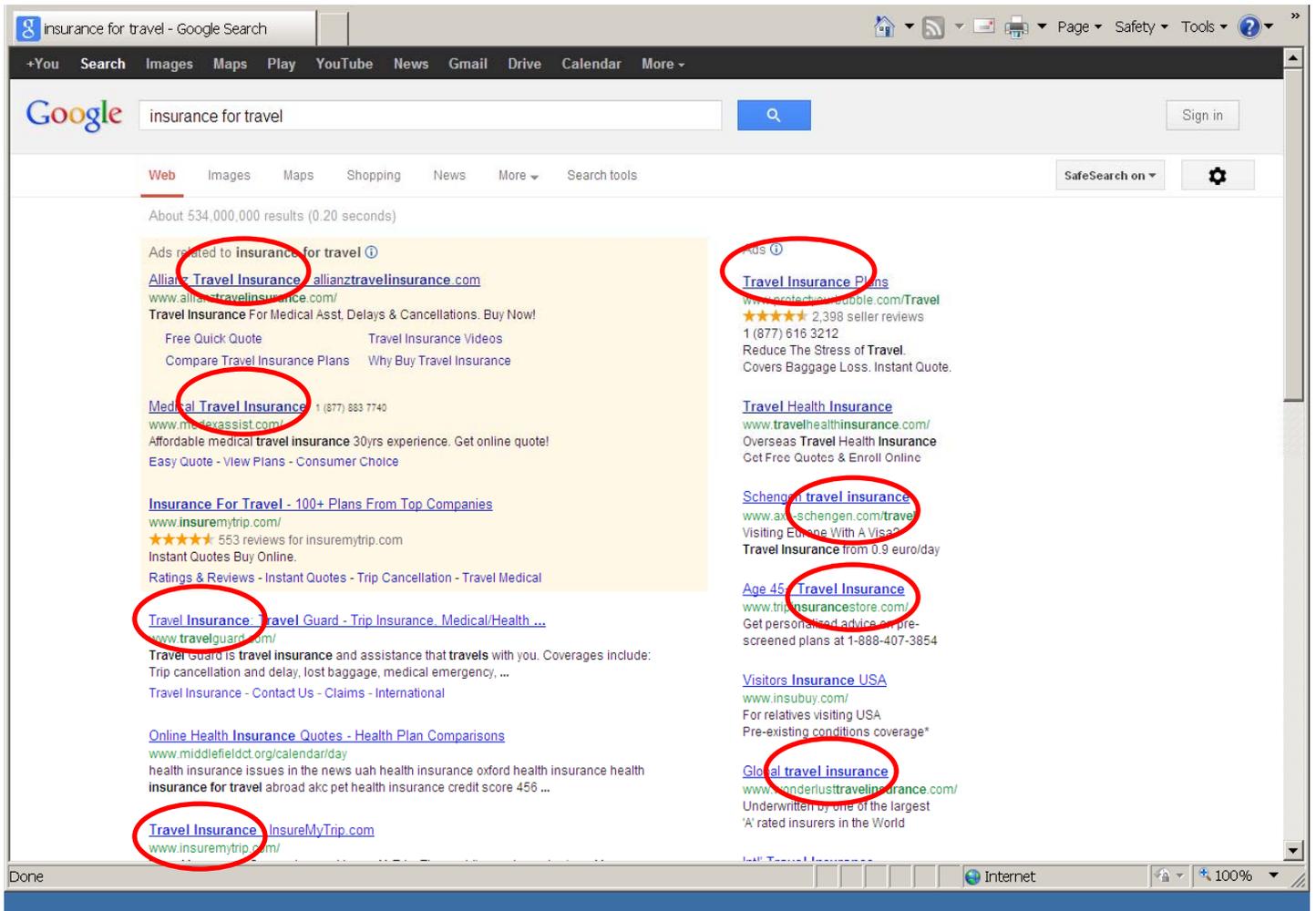


Exhibit B
www.google.com search
“Insurance for travel”



www.google.com search

“Insurance for Travelers”

The screenshot shows a Google search for "insurance for travelers" on a Windows browser. The search results are displayed in two columns. Several search results are circled in red, highlighting the word "Travel Insurance" in their titles. The results include:

- Insurance For Travelers - Affordable medical travel insurance** (www.medexassist.com/)
- Travel Health Insurance - travelhealthinsurance.com** (www.travelhealthinsurance.com/)
- Better Insurance Coverage - amiacoverage.com** (www.amiacoverage.com/Connecticut)
- Travel Insurance | Travel Guard - Trip Insurance, Medical/Health ...** (www.travelguard.com/)
- Travel Insurance | InsureMyTrip.com** (www.insuremytrip.com/)
- Travel Insurance | Trip Protection & Flight Insurance For Travelers ...** (www.travelersinsurance.com/)
- Allianz Travel Insurance** (www.allianztravelinsurance.com/)
- Intl Travel Insurance** (www.visitorscoverage.com/)
- Travel Visitor Insurance** (www.foreignvisitorinsurance.com/)
- Compare Travel Insurance** (www.insuremytrip.com/)
- AAA Auto Insurance** (www.aaa.com/)
- Visitors Insurance USA** (www.insubuy.com/)
- State Farm® Auto** (www.statefarm.com/)

The browser's address bar shows "insurance for travelers - Google Search". The search bar contains "insurance for travelers". The page shows "About 5,530,000 results (0.26 seconds)". The browser's taskbar at the bottom shows "Done" and "Internet" with a 100% zoom level.

www.google.com search

“Insurance for people traveling”

The screenshot shows a Google search for "insurance for people traveling" on a Windows Internet Explorer browser. The search results page displays approximately 27,100,000 results in 0.32 seconds. Several search results are circled in red:

- Compare Travel Insurance - Customer Ratings & Reviews** (www.insuremytrip.com) - 553 reviews for insuremytrip.com. Buy Online or Call. 800-551-4635. Features: Cancel For Any Reason, Instant Quotes, Questions, Call Us, Ratings & Reviews.
- Travel Insurance Plans** (www.protectyourbubble.com/Travel) - 2,398 seller reviews. 1 (877) 616 3212. Cheaper Than Travel Sites. Cancellation, Bags, Medical & More!
- Allianz Travel Insurance** (allianztravelinsurance.com) - Travel Insurance For Cancellations, Lost Baggage, Medical Asst. Buy Now. Free Quick Quote - Compare Travel Insurance Plans - Travel Insurance Videos.
- Travel Guard® Insurance - Instant Travel Insurance Quote** (www.travelguard.com) - Compare & Save! Travel Insurance - Vacation Insurance - Travel Medical Insurance - Quick Quote.
- International Travel Insurance for People Traveling Internationally ...** (www.travelinsure.com/wholoutridehome.asp) - Travel Insurance Services plans for outside of home coverage.
- Travel Insurance for People with Medicare** (www.travelinsure.com/wholmedicare.asp) - Travel Insurance Services for people with medicare.
- Affordable Auto Insurance** (www.amiacoverage.com/Connecticut) - Award-Winning Coverage, Low Rates. Learn More & Get a Free Quote Now!
- HCC GIG Travel Insurance** (www.gig.com) - Hcc Travel Insurance. Visitors and Travelers Insurance.
- Travel Visitor Insurance** (visitorsinsurance.com/IVisitorsInsurance) - 1 (877) 761 6546. Need Affordable Travel Health Insurance Quotes? 800-344-9540.
- Life Insurance - \$9 Month** (www.lifeinsurancequoteshere.com) - No medical exam. Term & Whole Life. \$250k Coverage From \$9 Per Month.
- Global travel insurance** (www.ponderlusttravelinsurance.com) - Underwritten by one of the largest 'A' rated insurers in the World.

Google – Australia search (www.google.com.au) “Insurance for travelers”

insurance for travelers - Google Search

+You Search Images Maps Play YouTube News Gmail Drive Calendar More

Google insurance for travelers Sign in

Web Images Maps Shopping More Search tools SafeSearch on

About 5,550,000 results (0.28 seconds)

Ads related to **insurance for travelers**

Medibank Health Insurance - Medibank.com.au
www.medibank.com.au/Health_Insurance
Get 1 Month Free & Claim Straight Away on Most Extras. Join by Feb 28
1 Month Free & Claim Straight Away 100% Back on Optical
Call 132 331 or Join Online Benefits

1Cover Travel Insurance - 1cover.com.au
www.1cover.com.au/Travel
With Over 1 Million Satisfied Customers. It's Cover You Can Trust
Get An Instant Quote - Overseas Travel Insurance - Domestic Travel Insurance

Cover More Insurance - Travel Insurance - You Can Trust
www.covermore.com.au/travel-insurance
24Hr Emergency Assistance Provided
Get a Free Quote - Budget Travel Insurance - Smarttraveller Advice

Travel insurance - Travel Insurance Australia - Allianz Australia
www.allianz.com.au/travel-insurance/
Where ever you're Travelling, Allianz **Travel Insurance** Has The Right **Travel** Cover For Your Budget. Get A Quote Now! Save Up To 5%* Discount Online Today!
Comprehensive Travel ... - Make A Claim - Budget Travel Insurance - FAQs

Overseas Visitors Health Cover Plans for Australia - Bupa
www.bupa.com.au/health-insurance/cover/overseas-visitors
Bupa Australia offers Overseas Visitor Health Cover for non working and working visas including 457 - Get private health cover whilst you are in Australia.
Overseas Visitors Health ... - Bupa's overseas visitors cover - Special features

Travel Insurance Australia - Travel Insurance recommended by ...
www.worldnomads.com.au/

Ads

Virgin Travel Insurance
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Pack Some Peace Of Mind. Includes Health Cover. Apply Online Today!

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www.auspost.com.au/Travel-Insurance
Travel Insurance Packed With Great Benefits. See More On Our Plans.
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Medical Travel Insurance
www.life4travelinsurance.com.au/Medical
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Ads related to **insurance for travelers**

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Best Travel Insurance 030 818 9323
www.insureandgo.com/Travel_Insurance
★★★★★ 7,515 reviews for insureandgo.com
Cheap single trip **travel insurance**. Award winning annual **travel** cover.
Single Trips from 51p per day - Annual Multi Trips from 10p per day

Travel Medical Insurance - Pre Existing Medical Travel Cover.
www.flexicover.co.uk/MedicalInsurance
Get Fully Covered Today & Save 10%

Travel Insurance - MoneySupermarket
www.moneysupermarket.com/travel-insurance/
Compare **travel insurance** quotes from just £3.50 with moneysupermarket.com, Britain's no1 comparison site. Search over 450 policies and buy your cover ...
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Medical **Insurance** For People **traveling** USA or Worldwide. Call Us

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Brian J. Winterfeldt
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Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 2, 2013

VIA ELECTRONIC MAIL (SRadell@ntia.doc.gov)

Suzanne Radell
Senior Policy Advisor
United States Department of Commerce
National Telecommunications and Information Administration, #4701
Office of Internal Affairs
14th and Constitution Ave., NW
Washington, DC 20230

RE: GAC Advice on .TRAVELERSINSURANCE
Application ID: 1-1895-33687

Dear Ms. Radell:

On behalf of our client Travelers TLD, LLC (“Travelers TLD”), we write to express our surprise and disappointment that the .travelersinsurance string has been identified by the Governmental Advisory Committee (“GAC”) as a financial string requiring additional safeguards. *See* Beijing GAC Communiqué (“Beijing Communiqué”), Annex 1 at 9, attached hereto. Although Travelers TLD had previously received a GAC Early Warning from Australia in connection with this string, before the ICANN Beijing meeting, Travelers TLD had a productive conversation with the Australian GAC Representative, Peter Nettlefold, and was optimistic that Mr. Nettlefold understood the purpose and scope of the string and how it relates to Travelers Indemnity Company’s (“Travelers”) global insurance brand. We have contacted Mr. Nettlefold and hope to gain another audience with him to discuss the GAC’s safeguard advice on .travelersinsurance and to obtain his assistance in getting it removed from the list of financial strings falling under Category 1 of the Beijing Communiqué.

Our hope is that the .travelersinsurance string was mistakenly included on the list of Category 1 strings and that its removal will be an easy act. We would greatly appreciate the opportunity to chat with you further about the proposed nature and purpose of the string, to explain the differences between .travelersinsurance and the other strings in Category 1 requiring additional safeguards, and to obtain your support in getting .travelersinsurance removed from the list.

Below, please find our explanation of how .travelersinsurance relates to Travelers TLD’s parent company, Travelers, and is not a generic term. For a more detailed discussion, please see the

Ms. Suzanne Radell

May 2, 2013

Page 2

letter that we wrote to Mr. Nettlefold in response to the Early Warning issued against .travelersinsurance by the Australian Government. *See* Letter to Peter Nettlefold, dated February 17, 2013, attached hereto.

Travelers

Travelers is a leading provider of property casualty insurance for auto, home and business in the United States and selected international markets, including North and South America, Europe and Asia. The “.travelersinsurance” string refers to a specific brand name in which Travelers has well established trademark rights. In particular, Travelers has registrations world-wide in the TRAVELERS and TRAVELERS-formative marks relating to the insurance and financial goods and services Travelers provides. By way of example, TRAVELERS is a registered mark in the United States, Canada, Switzerland, the European Union, Singapore, Vietnam, and Bolivia. Moreover, registrations for formative marks that include the term TRAVELERS can be found in Australia,¹ the United States, Switzerland, the United Kingdom, the European Union, China, India, Japan, and Brazil. An example of Travelers’ registered composite mark in Australia is shown below:



The use of the word Travelers in “Travelers insurance,” is (as mentioned above) a trademarked brand of an insurance company (i.e., Travelers) that provides a broad range of insurance products and services and is not a generic term. In addition, as discussed in our February 17, 2013 letter, “Travelers Insurance” is not a generic term as it is not equivalent to travel insurance. Thus, it is dissimilar to any of the other strings lists under Category 1 of the Beijing Communiqué as all of the other strings are purely generic terms.

Commitment and Request

Travelers TLD believes that the .travelersinsurance string is branded and specific to Travelers’ products and is not a generic term, and thus should be removed from Category 1. That said, Travelers TLD is committed to operating this registry in a manner that complies with ICANN’s mandate of fostering competition, diversity, and security, while also making strides to enhance and expand the Travelers brand.

We would greatly appreciate your support on the matter and the opportunity to speak with you in advance of May 10, 2013, when a response to the GAC’s Safeguard Advice must be submitted to ICANN. We will, of course, make ourselves available at your earliest convenience through

¹ In Australia, it has a registration for TRAVELERS and its Umbrella design, reg. no. 1228350. In addition, it has registrations for TRAVELERS INSTITUTE, reg. no. 1323924 in classes 35, 36 and 41, and TRAVELERS CHAMPIONSHIP, reg. no. 1186986 in Class 41.

Ms. Suzanne Radell
May 2, 2013
Page 3

whichever medium you prefer, including, an in-person meeting, email, telephone, and/or video conference to discuss. Please let us know what date and time may work best for you.

We look forward to working with you in hopes of remedying this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Brian J. Winterfeldt". The signature is written in a cursive, slightly slanted style.

Brian J. Winterfeldt

cc: Gerald L. DePardo, Esq.

Brian J. Winterfeldt
202 429 6260 direct
202 261 7547 fax
bwinterfeldt@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
202 429 3000 main
www.steptoe.com

May 2, 2013

VIA ELECTRONIC MAIL (Peter.Nettlefold@dbcde.gov.au)

Mr. Peter Nettlefold
Department of Broadband, Communications and the Digital Economy
Manager – Internet Governance, IPND and Numbering Team
GPO Box 2154 Canberra ACT 2601
Australia

RE: GAC Advice on .TRAVELERSINSURANCE
Application ID: 1-1895-33687

Dear Mr. Nettlefold:

On behalf of our client Travelers TLD, LLC (“Travelers TLD”), we write to express our surprise and disappointment in the issuance of GAC Safeguard Advice against the .travelersinsurance string. In the Beijing GAC Communiqué, .travelersinsurance is listed in Annex 1 under Category 1, as a financial string requiring additional safeguards. *See* Beijing Communiqué at 9, attached hereto. Our hope is that the .travelersinsurance string was listed in error under Category 1 and that the Australian Government will assist Travelers TLD in getting the string removed from the list. As such, we would greatly appreciate the opportunity to chat with you again about the proposed nature and purpose of the string, to explain the differences between .travelersinsurance and the other strings in Category 1 requiring additional safeguards, and to obtain your advice on how best to proceed in removing the GAC Advice issued against this string. Below, please find our explanation of how .travelersinsurance relates to Travelers TLD’s parent company, the Travelers Indemnity Company (“Travelers”), and is not a generic term, as discussed in more detail in our letter to you dated February 17, 2013, attached hereto, and how the string differs from other strings listed in the above-referenced section of the Beijing GAC Communiqué.

Travelers

Travelers is a leading provider of property casualty insurance for auto, home and business in the United States and selected international markets, including North and South America, Europe and Asia. The “.travelersinsurance” string refers to a specific brand name in which Travelers has well established trademark rights. In particular, Travelers has registrations world-wide in the

Mr. Peter Nettlefold

May 2, 2013

Page 2

TRAVELERS and TRAVELERS-formative marks relating to the insurance and financial goods and services Travelers provides. By way of example, TRAVELERS is a registered mark in the United States, Canada, Switzerland, the European Union, Singapore, Vietnam, and Bolivia. Moreover, registrations for formative marks that include the term TRAVELERS can be found in Australia,¹ the United States, Switzerland, the United Kingdom, the European Union, China, India, Japan, and Brazil. An example of Travelers' registered composite mark in Australia is shown below:



The use of the word Travelers in "Travelers insurance," is (as mentioned above) a trademarked brand of an insurance company (i.e., Travelers) that provides a broad range of insurance products and services and is not a generic term. In addition, as discussed in our February 17, 2013 letter, "Travelers insurance" is not a generic term as it is not equivalent to travel insurance. Thus, it is dissimilar to any other string listed under Category 1 of the Beijing GAC Communiqué as all of the other strings listed are purely generic terms.

Commitment and Request

As previously stated, Travelers TLD believes that the .travelersinsurance string is branded and specific to Travelers' products and is not a generic term, and thus should be removed from Category 1. That said, Travelers TLD is committed to operating this registry in a manner that complies with ICANN's mandate of fostering competition, diversity, and security, while also making strides to enhance and expand the Travelers brand.

We would like to speak with you as soon as possible, and preferably before May 10, the deadline for new gTLD applicants to submit a response to GAC Advice. We will make ourselves available at your earliest convenience through whichever medium you prefer, including, email, telephone, and/or video conference. Please let us know what date and time may work best for you.

We look forward to working with you in hopes of remedying this matter.

Sincerely yours,

A handwritten signature in black ink that reads "Brian J. Winterfeldt".

Brian J. Winterfeldt

cc: Gerald L. DePardo, Esq.

¹ In Australia, Travelers has a registration for TRAVELERS and its Umbrella design, reg. no. 1228350. In addition, it has registrations for TRAVELERS INSTITUTE, reg. no. 1323924 in classes 35, 36 and 41, and TRAVELERS CHAMPIONSHIP, reg. no. 1186986 in Class 41.

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

**Re: Response to GAC Advice for .MOBILE (1-2012-89566), .MOVIE (1-1920-39242),
.DATA (1-2009-38008) and .PHONE (1-2011-80942)**

Dear Dr. Crocker and Mr. Chehadé:

Dish DBS Corporation¹ and its affiliated entities (collectively “Dish”)² welcome this opportunity to provide a response to the recent Governmental Advisory Committee (“GAC”) Communique dated 11 April 2013 (“Communique”). Dish reserves the rights to amend any

¹ Dish is a market innovator in the provision of satellite television, audio programming, and interactive television services to commercial and residential customers in the United States. Dish, through its affiliates, is a global satellite services provider, developer of hybrid video delivery technologies, provider of home movie and video game rental services by DVD-by-mail, streaming and video-on-demand. With its recent bid for Sprint Nextel Corporation and its commitment to diversifying and updating its technology portfolio, Dish intends over the coming decade, to provide internet, video and telephone services to consumers for both home and mobile applications.

² For purposes of disclosure, Dish applied for thirteen new gTLD strings: .DISH, .MOVIE, .BLOCKBUSTER, .DIRECT, .LATINO, .DATA, .OLLO, .PHONE, .MOBILE, .LOCKER, .OTT, .DOT and .DTV. Some of Dish’s applied-for TLD strings may be affected by this response.

LetterheadFooter

of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

Dish welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the Dish applied-for gTLD strings.

II. CATEGORY 1 – CONSUMER PROTECTION, SENSITIVE STRINGS AND REGULATED MARKETS

Dish welcomes the GAC's recommendations for this category, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the .MOVIE and .DATA TLDs. Further, Dish remains committed to public interest goals that affect the Internet community, including but not limited to addressing consumer concerns about the authenticity of a website, fostering confidence and trust for internet consumers, combatting online infringement of copyright, combatting trademark infringement, combatting cybersquatting, combatting phishing and combatting other fraudulent or criminal acts online. As a result of the above public interest concerns, Dish shall consult with regulatory bodies in the industry, such as the Coalition for Online Accountability (COA)⁴ to identify appropriate regulator entities for the .MOVIE and .DATA TLDs.

III. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i)

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

⁴ COA has drafted a set of policy recommendations that are endorsed by many other international organizations representing the creative industries. See <http://www.onlineaccountability.net/>.

all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDS. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDS PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁵ No evidence supports this claim.⁶ These claims appear to be based on a review of the existing TLDs, which are open.⁷ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁸ This innovation may further result in significant competitive and consumer benefits.⁹

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.¹⁰ There is no reason to deter these new business models, as

⁵ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

⁶ Leonard, Tom. “‘Open’ or ‘Closed’ Generic TLDs: Let the Operators Decide.” CircleID Internet Infrastructure. http://www.circleid.com/posts/print/20130307_open_or_closed_generic_tlds_let_the_operators_decide (Last Accessed May 9, 2013).

⁷ Manne, Geoffrey A, *et al.* “An Error Cost Approach to Competition Issues in Closed gTLDs.” International Center for Law & Economics. [http:// forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf](http://forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf) (Last Accessed May 9, 2013).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹¹

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹² And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹³

B) CLOSED TLDs WILL FOSTER COMPETITION
While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹⁴ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁵ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁶

Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁷ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁸

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁹ Showing abuse within this market will be challenging, at least in the US,

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Lenard.

¹⁶ *See* Manne.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

because the Supreme Court has recognized that even a monopoly has a right to profit and this is what incentivizes competitors to enter into the market.²⁰ The existence of market power is not actionable; only its abuse is and until that occurs, there is no basis for constraining “closed generic” TLDs.²¹

Some have raised further concerns that under a closed system, consumers may be confused about whether they are dealing with a single private company or the market at large.²² However, any deception that arises under this scenario is already under the jurisdiction of the FTC or consumer protection regulators in other countries.²³

The domain name service (“DNS”) space is vast.²⁴ For any given online resource, there are multiple TLDs, second level domains (SLDs) and third level domains (TLDs) that may be used to access the same resource. For example, .laptop, laptop.com or laptop.seller.com could all point to an individual business that sells laptops to consumer. Consumers using the internet are relatively sophisticated as they are able to navigate amongst 22 gTLDs and 250 country code TLDs (“ccTLDs”) to access the resources that they need, for example, gTLDs, such as .aero, .info, .biz, .edu and ccTLDs, such as .me or .us.²⁵ Because the internet consumer is pretty sophisticated, the length of the uniform resource link (“URL”) to access a resource online does not necessarily confer any sort of market power on a competitor. Additionally, as noted above, the idea that closed-name space business models create a monopoly on anything is just wrong and an anachronistic artifacts of the .COM boom 15 years ago, when nearly 90% of the world’s domains were registered under .COM.²⁶ There is no evidence for the claim that market dominance inherently flows from the control of a

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁵ See Applicant Guidebook v. 2012-06-04.

²⁶ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

generic domain name by an applicant who sells products or services that can be described by a generic name.²⁷

In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.²⁸ These policies suggest that “all applicants should be evaluated against transparent and predictable criteria, fully available **before initiation of the process.**”²⁹ (emphasis added). ICANN and the GAC’s attempts to change the criteria for “closed generic” TLD registrations during the process appears to contradict the GNSO’s policies.

While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

C) PRO COMPETITIVE RATIONALE FOR CLOSED TLDS

The competitive environment for gTLDs would be further aided by permitting “closed generic” TLDs, because competing companies could purchase thematically similar gTLDs.³⁰ The ability to operate even “closed generic” TLDs, presents the incentive and opportunity for investment (and new avenues of competition) from which the entire ecosystem will benefit.³¹

Therefore, the chance that a new “closed generic” TLD and/or its sponsor could provide an innovative, heretofore unimagined business model is an important reason for ICANN to

²⁷ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁸ See Applicant Guidebook v. 2012-06-04.

²⁹ See Summary of ICANN Generic Names Supporting Organisation’s (GNSO’s) Final Report on the Introduction of New Generic Top- Level Domains (gTLDs) and Related Activity.

³⁰ See Manne.

³¹ *Id.*

Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
Page 7

approving “closed generic” TLDs.³² Such a model could “put direct competitive pressure on established gTLDs or could expand the market in new directions.”³³

D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³⁴ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁵ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁶

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁷

Sincerely,



Deborah M. Lodge

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See <http://newgtlds.icann.org/en/about/program>.

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, Annex I, and Annex II of the GAC Beijing Communique 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Dish DBS Corporation
Application ID	(1-2012-89566), (1-1920-39242), (1-2009-38008), and (1-2011-80942)
Applied for TLD (string)	.MOBILE (1-2012-89566), .MOVIE (1-1920-39242), .DATA (1-2009-38008) and .PHONE (1-2011-80942)

Response:

Please see attached.

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

**Re: Response to GAC Advice for .MOBILE (1-2012-89566), .MOVIE (1-1920-39242),
.DATA (1-2009-38008) and .PHONE (1-2011-80942)**

Dear Dr. Crocker and Mr. Chehadé:

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¹ Dish is a market innovator in the provision of satellite television, audio programming, and interactive television services to commercial and residential customers in the United States. Dish, through its affiliates, is a global satellite services provider, developer of hybrid video delivery technologies, provider of home movie and video game rental services by DVD-by-mail, streaming and video-on-demand. With its recent bid for Sprint Nextel Corporation and its commitment to diversifying and updating its technology portfolio, Dish intends over the coming decade, to provide internet, video and telephone services to consumers for both home and mobile applications.

² For purposes of disclosure, Dish applied for thirteen new gTLD strings: .DISH, .MOVIE, .BLOCKBUSTER, .DIRECT, .LATINO, .DATA, .OLLO, .PHONE, .MOBILE, .LOCKER, .OTT, .DOT and .DTV. Some of Dish’s applied-for TLD strings may be affected by this response.

LetterheadFooter

of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

Dish welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the Dish applied-for gTLD strings.

II. CATEGORY 1 – CONSUMER PROTECTION, SENSITIVE STRINGS AND REGULATED MARKETS

Dish welcomes the GAC's recommendations for this category, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the .MOVIE and .DATA TLDs. Further, Dish remains committed to public interest goals that affect the Internet community, including but not limited to addressing consumer concerns about the authenticity of a website, fostering confidence and trust for internet consumers, combatting online infringement of copyright, combatting trademark infringement, combatting cybersquatting, combatting phishing and combatting other fraudulent or criminal acts online. As a result of the above public interest concerns, Dish shall consult with regulatory bodies in the industry, such as the Coalition for Online Accountability (COA)⁴ to identify appropriate regulator entities for the .MOVIE and .DATA TLDs.

III. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i)

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

⁴ COA has drafted a set of policy recommendations that are endorsed by many other international organizations representing the creative industries. See <http://www.onlineaccountability.net/>.

all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDs. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDs PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁵ No evidence supports this claim.⁶ These claims appear to be based on a review of the existing TLDs, which are open.⁷ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁸ This innovation may further result in significant competitive and consumer benefits.⁹

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.¹⁰ There is no reason to deter these new business models, as

⁵ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

⁶ Leonard, Tom. “‘Open’ or ‘Closed’ Generic TLDs: Let the Operators Decide.” CircleID Internet Infrastructure. http://www.circleid.com/posts/print/20130307_open_or_closed_generic_tlds_let_the_operators_decide (Last Accessed May 9, 2013).

⁷ Manne, Geoffrey A, *et al.* “An Error Cost Approach to Competition Issues in Closed gTLDs.” International Center for Law & Economics. <http://forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf> (Last Accessed May 9, 2013).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹¹

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹² And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹³

B) CLOSED TLDs WILL FOSTER COMPETITION
While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹⁴ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁵ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁶

Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁷ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁸

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁹ Showing abuse within this market will be challenging, at least in the US,

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Lenard.

¹⁶ *See* Manne.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

because the Supreme Court has recognized that even a monopoly has a right to profit and this is what incentivizes competitors to enter into the market.²⁰ The existence of market power is not actionable; only its abuse is and until that occurs, there is no basis for constraining “closed generic” TLDs.²¹

Some have raised further concerns that under a closed system, consumers may be confused about whether they are dealing with a single private company or the market at large.²² However, any deception that arises under this scenario is already under the jurisdiction of the FTC or consumer protection regulators in other countries.²³

The domain name service (“DNS”) space is vast.²⁴ For any given online resource, there are multiple TLDs, second level domains (SLDs) and third level domains (TLDs) that may be used to access the same resource. For example, .laptop, laptop.com or laptop.seller.com could all point to an individual business that sells laptops to consumer. Consumers using the internet are relatively sophisticated as they are able to navigate amongst 22 gTLDs and 250 country code TLDs (“ccTLDs”) to access the resources that they need, for example, gTLDs, such as .aero, .info, .biz, .edu and ccTLDs, such as .me or .us.²⁵ Because the internet consumer is pretty sophisticated, the length of the uniform resource link (“URL”) to access a resource online does not necessarily confer any sort of market power on a competitor. Additionally, as noted above, the idea that closed-name space business models create a monopoly on anything is just wrong and an anachronistic artifacts of the .COM boom 15 years ago, when nearly 90% of the world’s domains were registered under .COM.²⁶ There is no evidence for the claim that market dominance inherently flows from the control of a

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁵ See Applicant Guidebook v. 2012-06-04.

²⁶ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

generic domain name by an applicant who sells products or services that can be described by a generic name.²⁷

In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.²⁸ These policies suggest that “all applicants should be evaluated against transparent and predictable criteria, fully available **before initiation of the process.**”²⁹ (emphasis added). ICANN and the GAC’s attempts to change the criteria for “closed generic” TLD registrations during the process appears to contradict the GNSO’s policies.

While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

C) PRO COMPETITIVE RATIONALE FOR CLOSED TLDS

The competitive environment for gTLDs would be further aided by permitting “closed generic” TLDs, because competing companies could purchase thematically similar gTLDs.³⁰ The ability to operate even “closed generic” TLDs, presents the incentive and opportunity for investment (and new avenues of competition) from which the entire ecosystem will benefit.³¹

Therefore, the chance that a new “closed generic” TLD and/or its sponsor could provide an innovative, heretofore unimagined business model is an important reason for ICANN to

²⁷ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁸ See Applicant Guidebook v. 2012-06-04.

²⁹ See Summary of ICANN Generic Names Supporting Organisation’s (GNSO’s) Final Report on the Introduction of New Generic Top- Level Domains (gTLDs) and Related Activity.

³⁰ See Manne.

³¹ *Id.*

Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
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approving “closed generic” TLDs.³² Such a model could “put direct competitive pressure on established gTLDs or could expand the market in new directions.”³³

D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³⁴ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁵ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁶

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁷

Sincerely,



Deborah M. Lodge

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See <http://newgtlds.icann.org/en/about/program>.

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, Annex I, and Annex II of the [GAC Beijing Communique](#) 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Dish DBS Corporation
Application ID	(1-2012-89566), (1-1920-39242), (1-2009-38008), and (1-2011-80942)
Applied for TLD (string)	.MOBILE (1-2012-89566), .MOVIE (1-1920-39242), .DATA (1-2009-38008) and .PHONE (1-2011-80942)

Response:

Please see attached.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	International Domain Registry Pty Ltd
Application ID	1-1926-49360
Applied for TLD (string)	شبكة

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

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Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it.

Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

GAC Advice Response Form for Applicants



4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

GAC Advice Response Form for Applicants



International Domain Registry Pty Ltd

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	GCCIX WLL
Application ID	1-1936-21010
Applied for TLD (string)	.GCC

Response:

As a preliminary matter, the GAC Advice is untimely and is therefore not legitimate. The Applicant Guidebook forms part of the legally binding agreement between ICANN and New gTLD applicants. The Guide Book clearly states in sections 1.1.2.7 and 3.1 that for the Board to be able to consider GAC Advice, it must be submitted “by the close of the Objection Filing period”. That period concluded on 13th March 2013, yet GAC Advice was not communicated until 11th April 2013. We find it extraordinary that the ICANN Board and the New gTLD process would entertain such an untimely submission from any party.

Nevertheless, we are happy to explain how and why our application is legitimate and should be approved. Because we reject the GAC Advice as untimely, this response is submitted out of courtesy and not obligation; in responding, we reserve all rights in this matter.

Because the GAC Advice lacks any substance whatsoever with respect to our application, we have been in communication with Cherine Chalaby who advised “It is the ICANN Board New gTLD Program Committee’s understanding that the GAC [...] based on the rationale contained in the Early Warning has reached a consensus to object”. Our response will be based on points 1 and 2 raised in the Early Warning that can be found here:

<https://gacweb.icann.org/download/attachments/27131927/GCC-AE-21010.pdf>

We note from the Early Warning that the CCASG was aware of our application as early as November 2012, and has filed an LRO based on their purported IGO acronym. The DRP allows for multiple LROs on multiple grounds, and the CCASG chose not to submit an LRO on the community objection ground although they obviously feel qualified to do so and could have done so. As there is a clearly defined process in place by which the

CCASG could have objected on these grounds, it surely cannot be appropriate to consider or uphold a complaint on the same grounds via the GAC and Board path. Obviously the ICANN Board has previously determined that WIPO is better qualified to assess such cases involving Legal Rights Objections. If the GAC and Board instead choose to consider this Objection, they are at risk of undermining themselves as well as the process they jointly laid down. At minimum, we should be given full opportunity to see the arguments presented against us, and to provide counterarguments; this of course is fundamental to all of the Objection processes created already by ICANN.

The CCASG, as an IGO with independent legal personality must be considered competent to defend its own interests. As a super-national entity, the CCASG should be considered as a higher power than any of its individual parts, and its own conscious actions in defending the rights it has should overrule GAC level action at the merely national level. While its member states are at liberty to lodge GAC level advice to the ICANN Board, this should only be considered at most as support to the actual actions undertaken by the IGO secretariat itself.

Therefore, as the CCASG has not raised a Community Objection, the Board and GAC should not consider that basis at all. As they have raised a Legal Rights Objection, at minimum a full and fair hearing of the matter should be had, ideally through the WIPO neutral panel as set forth in the Guidebook. If the GAC and Board chooses to supplement or surpass the findings of WIPO, they do so at great peril to their credibility and to the credibility of the entire new gTLD program.

Point 1 – IGO Name

The authors state “GCC is a known abbreviation for Gulf Cooperation Council. The GCC is a political and economic union...”. This is manifestly untrue. The treaty cited establishes an entity given a completely different name, the Cooperation Council for the Arab States of the Gulf (hereinafter referred to as CCASG). The establishing treaty makes no reference to “Gulf Cooperation Council” or “GCC”:

<http://treaties.un.org/doc/Publication/UNTS/Volume%201288/volume-1288-I-21244-English.pdf>

Article One. ESTABLISHMENT OF COUNCIL

A council shall be established hereby to be named the Cooperation Council for the Arab States of the Gulf, hereinafter referred to as Cooperation Council.

The authors state “...the GCC is [...] an Intergovernmental Organization...”. This is manifestly untrue. There is no valid citation to any authority or evidence to support this claim. There is no evidence of the legal existence of any purported legal entity with the name “GCC” and there is no evidence of the .GCC string having any internationally legally recognized link to the CCASG. Insofar as “GCC” does not exist in law, there is no basis for that acronym to benefit from protections afforded to legally recognized IGO names such as the CCASG.

The authors of the Early Warning state “[the GCC] meets the eligibility criteria for .int top level domain”. This is manifestly untrue. While the CCASG might meet these criteria, the IANA policy for .INT name registration states this requirement (emphasis in original):

*“The treaty submitted must establish the organization applying for the .int domain name. The organization must be **established by the treaty itself, not by a council decision or similar.**”*

As the purported entity “GCC” is itself not established by treaty, and the CCASG treaty makes no reference to “GCC” or “Gulf Cooperation Council”, the string “GCC” clearly does not meet the eligibility criteria for the .int top level domain. This perhaps explains why the CCASG has never applied for nor been awarded such domain name from IANA.

The authors state “...the GCC has received a standing invitation to participate as an observer in the sessions and the work of the UN General Assembly”. This is manifestly untrue. There is no reference to a “GCC” on the published list of United Nations Permanent Observers that is attached as Annex 1 hereto. Instead, the CCASG is listed under its only legal name, Cooperation Council for the Arab States of the Gulf.

The authors state “...in line with new gTLD program Applicant Guidebook provisions concerning protection of IGOs, the name ‘GCC’ should not be allowed to be registered as a gTLD...”. As detailed above, there is no legally recognized IGO entity, including the CCASG, with any proven rights to the “GCC” string. Consequently, the string “GCC” cannot receive protections afforded to legitimate IGOs.

GCCIX WLL, however, can demonstrate rights to, and bona fide use of, the “GCC” string. Our company, GCCIX WLL, containing the string, is registered (CR #78805) with the Bahraini Ministry of Industry and Commerce since August 2011. GCCIX WLL own trademark registration number VR201300642 with the Danish Patent and Trademark office in classes 9,42,45.

Based on Toronto communiqué, the GAC issued further advice on the protection of names and acronyms of IGOs to the ICANN Board.

<https://gacweb.icann.org/display/GACADV/2012-10-17-IGO>

On 22nd March 2013 the GAC submitted agreed criteria, and a list of IGOs to the Board to support this advice. We do not understand on what basis the GAC included “Cooperation Council for the Arab States of the Gulf (GCC)” in that list, but it is immaterial in light of the accompanying criteria:

Protection for the names and acronyms of the listed organizations shall be provided at the second level in all rounds of new gTLDs **and at the top level in all except the first new gTLD round**

It is obvious that GAC and the ICANN Board put a great deal of thought and effort into laying down the rules for the protection of legitimate IGO names and acronyms. We have demonstrated above that the “.GCC” string is not included in the protections offered under these rules, and that it is specifically excluded by the GAC from protection as an IGO name in this round of applications.

In spite of the above, our application is currently subject to a WIPO Legal Rights Objection on the grounds that it infringes on the rights of the CCASG. We note that the CCASG was party to the GAC Early Warning that is the sole basis of the GAC Advice submitted to the ICANN Board, and conclude that they shared their concerns via this path as well as via the LRO because of a lack of clarity around the formal process.

We prove in our Response to that Objection that ‘GCC’ is a geographically descriptive term referring to the entire Gulf Coast region much more than to the CCASG. Therefore we have a legitimate right to operate that TLD in accord with the terms of the Applicant Guidebook, and internet users in that region and abroad have the legitimate right to use such domain names to identify themselves. Expert analysis on this point is provided as Annex 2 hereto.

We do not believe that it is within the purview of the Board to elevate arbitrary strings to the status of IGO names, where no such rights previously existed in law or practice, and in doing so afford them the same protections as legally recognized IGOs. To do so would set a dangerous precedent, exposing ICANN to legal challenge, and undermine the genuine claims of legitimate IGOs.

As it is not the core competence of the ICANN Board to adjudicate cases of rights infringements, we suggest that it would be prudent for the Board to defer to the WIPO panel appointed to assess the ongoing LRO. The New gTLD process was well designed to allow for exactly the sort of challenge that our application has received, and the allegedly infringed party has found that process and invoked it. The GAC and the Board should respect and adhere to the process that they jointly defined.

In the event the ICANN Board will consider the legal rights issue at hand, GCCIX will provide its full Response to that objection, and all accompanying evidence, to the ICANN Board when it is completed next week.

Point 2 – Community support

The authors of the Early Warning state “the applicant is targeting the GCC community which basically covers the 6 member states of the GCC”. As explained in great detail above, “GCC” is not a legal entity capable of having “member states”.

The Applicant Guide Book discusses community gTLDs in section 1.2.3.1, where they are defined as being “...operated for the benefit of a clearly delineated community” and our application does not meet this criterion. We explained in our application that we perceive the “GCC” string as a “broad regional identifier”, and we used explicit wording throughout to make it clear who we believe our target audience to be:

“users in the Gulf and Middle East region” [In addition to CCASG members, the term “Middle East” includes Cyrus, Egypt, Iran, Iraq, Israel, Jordan, Lebanon, Palestine, Syria, Turkey, and Yemen]

“.gcc will be marketed globally”

“Internet users with an interest in or connection with the Gulf and Middle East”

GAC Advice Response Form for Applicants



“the term GCC has become commonly used to refer generally to the countries and people of the Gulf and Middle East region”

The Guide Book states in 1.2.3.2 that:

All applicants should understand that a formal objection may be filed against any application on community grounds, even if the applicant has not designated itself as community based or declared the gTLD to be aimed at a particular community.

Our application attracted the attention of the Independent Objector who scrutinized it on various grounds, including the potential for a “Community Objection”. In his final assessment, the IO did not see fit to object on community grounds. The IO clarified in his report:

“...it is the public policy of the IO not to make an objection when a single established institution representing and associated with the community having an interest in an objection can lodge such an objection directly”

and

“...the IO is of the opinion that the Gulf Cooperation Council is an established institution representing and associated with a significant part of the targeted community. The Gulf Cooperation Council is already fully aware of the controversial issues and is better placed than the IO to file an objection, if it deems it appropriate”

and

“...the [LRO based on infringement of IGO name or acronym] procedure is a significant opportunity given to the Gulf Cooperation Council to file an objection, if deemed appropriate, against the application”

In summary, the IO chose not to lodge a community objection because he found the CCASG qualified to do so, but then steered the CCASG away from an LRO on community objection grounds. The CCASG then decided against filing a Community Objection, and instead only filed a Legal Rights Objection. We conclude from this, and from the LRO submitted, that neither the IO nor the CCASG felt that a community objection could possibly be warranted. Certainly the GAC and the ICANN Board would not wish to second guess these determinations by the two best placed potential objectors.

Therefore, we request the Board to disavow the bare, unexplained GAC Advice with respect to our application, and instead to defer to the WIPO process that has been initiated by the CCASG. At minimum, the Board should seek full and detailed advice

GAC Advice Response Form for Applicants



from the GAC and then allow GCCIX the full opportunity to provide our informed response.

The use of GCC as an acronym in the context of the Gulf

Cross-border Information Ltd for GCCIX

16 October 2012

Overview

This research report demonstrates that the acronym GCC in the Gulf region has become separated from the Gulf Cooperation Council organisation and has become synonymous with the region made up of the members of this organisation. It shows that this general use of the GCC acronym is widespread and long established, and that the Council has not attempted to block or thwart organisations which have adopted its initials for their own purposes.

The report shows that GCCIX is far from being alone in having taken the GCC initials as part of the name that the company is registered under. We have also found numerous examples in which companies – regardless of where they are registered – have used the GCC initials as part of the branding for products and services aimed at a Gulf market. Not surprisingly, the use of GCC as a brand is most common in financial services and conferences where a regional identity is a strong selling point. In these cases it is obvious that the businesses in question are attempting to associate themselves and their products with the GCC region rather than with the Council as an institution or even as form of trans-national bureaucratic organisation. It is also clear that these businesses are not attempting to pass themselves off as being somehow formally linked to the organisation of the Council or its secretariat. There is no record of the GCC having ever objected to the use of the initials in this way.

The use of the GCC acronym in the media and by academics, consultants, analysts and think tanks as a regional geographical description is so widespread as to be impossible to quantify. There is a frequently occurring trend to use the GCC acronym on its own at first usage in an article when it is meant to refer to the region, and to use the full name of the Gulf Cooperation Council to introduce the organisation itself. This pattern clearly demonstrates that amongst analysts, journalists, editors and readers there is an established understanding that the initials GCC, on their own, no longer refer only to the Gulf Cooperation Council, as an organisation, but also refer to the region made up of its members. In fact, this trend is so common that it might be possible to argue that unless the Council is specifically referred to by its full name, a reference to GCC in a Gulf context is unlikely to be understood as indicating the institution rather than the region.

1. Use of GCC in company names

We have identified a number of companies based both in the Gulf region and outside it, which use the GCC acronym in their names in a way which is clearly meant to imply a focus on the member countries of the *Gulf Cooperation Council*, but no specific link, relationship or cooperation with the Council itself. These companies appear to have been operating for many years without meeting any opposition or challenge to their use of the GCC initials in this way from the Council.

1.1 Fermacell GCC

Fermacell GmbH's Gulf branch is registered as *Fermacell GCC* with the *Dubai Chamber of Commerce* and uses the web address www.fermacell-gcc.com. The company installs partitions, linings, west areas, flooring, ceilings and fire protection panelling.

1.2 ICDL GCC Foundation

The ICDL GCC Foundation is owned and run by *The European Computer Driving Licence Foundation Ltd*, a not-for-profit organisation based in Dublin, **Ireland**. The foundation provides training in GCC countries and **Iraq** for people seeking to achieve the International Computer Driving Licence. It is not made explicit that GCC stands for *Gulf Cooperation Council* but it appears very likely that it is given the countries it serves. The foundation is partnered with the ministries of education of **Bahrain, Oman, Qatar, Saudi Arabia** (education authorities) and the **UAE** as well as other educational organisations but not the GCC.

The company website homepage states; *With hundreds of centres covering the GCC region and Iraq, you will surely find one near you*

1.3 Mars GCC FZE

The confectioner *Mars Inc's* Dubai based subsidiary in the Gulf is named *Mars GCC* and appears under that name in the Dubai Chamber of Commerce directory. The company was previously known as *Master Foods Middle East*. The company was incorporated in 1993. It is not clear when it changed its name or whether this was the result of a takeover, although media reports begin to refer to Mars GCC rather than Master Foods in late 2007/early 2008. There are no references to Mars GCC in the Google News archives, the Mars website or Factiva before 2008. Blurb refers to "*Mars in the GCC*", another example of GCC used as a geographical reference term, as well as operating "*across all the GCC countries*".

1.4 VFS (GCC) (L.L.C)

A subsidiary of *VFS. Global*, itself a wholly-owned subsidiary of *Kuoni Group, VFS (GCC) (L.L.C)* uses the term GCC as a regional reference for its regional subsidiary in the UAE. The company is an outsourcing and technology services specialist working with embassies and governments around the world.

1.5 GCC Exchange

GCC Exchange was established by Rajesh Himmatlal and Mukesh Himmatlal and registered with Companies House in the UK. The company set up its first outlet worldwide in Dubai in December 2005. It operates in the field of retail money transfer. Again it is not made explicit that GCC is an abbreviation of Gulf Cooperation Council but there is no reference to it being an acronym for anything else. It is registered as GCC Exchange and this appears to be its fully expanded name.

The company has a product called *GCC Remit* which is aimed expatriates. The product does not appear to be limited to GCC region expatriates and uses GCC as a brand name.

1.6 AGAS-Basil Technology Fund

The private equity fund's investment arm holding investments in GCC member states is called *AGAS GCC Holding*. The company is registered with the *Bahrain Chamber of Commerce*.

1.7 Green Cover

Oman registered MENA artificial turf specialist is listed as *Green Cover GCC*. The company has distributors in Saudi Arabia, UAE, Qatar, Bahrain, Kuwait, **Yemen, Iraq, Syria, Egypt, Libya** and **Algeria**. As with many other companies it is not explicit what the GCC stands for, it is possible that it stands for Green Cover Company.

2. Use of GCC as a brand

The GCC acronym is widely used by a variety of corporations to promote their business activities in the Gulf region. In most cases this does not imply any connection to the Gulf Cooperation Council itself and rather a simple regional marketing focus on the countries which in the past used to be referred to as ‘the Gulf monarchies’.

The Council appears to have been content over many years to allow its initials to be used by these organisations as a label to promote various products and services, without taking any steps to object to this usage or to apply legal or political pressure to limit this usage. Companies which have adopted GCC as a brand include both those with their origins outside the region and within it.

Finance

There are sufficient examples of the use of the term *GCC* in the names of financial products to suggest the term is used ubiquitously as a geographical descriptor in the sector. Some examples follow.

2.1 Saudi Fransi Capital

Saudi Fransi Capital managed *Al-Qasr GCC Real Estate and Construction Equity Trading Fund* is a fund investing in listed Sharia compliant real estate equities in GCC states. The fund began operating in April 2007

2.2 Global Investment House

Kuwaiti investment company listed in Kuwait, Dubai, Bahrain and on the *London Stock Exchange* also operates a number of closed-ended funds investing real estate in GCC countries. These are called *Global GCC Real Estate Fund* (launched 2005) and *Global GCC Real Estate Fund II* (launched in 2008), domiciled in Bahrain.

Global Investment House also manages a fund investing in large cap stocks listed “*on the GCC stock exchanges*”. This is called the *Global GCC Large Cap Fund*. A third Gulf focussed fund investing in Sharia compliant stocks is called the *Global GCC Islamic Fund*

2.3 Masraf Al Rayan

Masraf Al Rayan bank runs a Sharia compliant investment fund for Qatari investors called the *Al Rayan GCC Fund*. The fund will invest in “*a select number of companies across the GCC*”. According to the bank, “*The focus of the Fund is GCC equities which offer medium to longer value. However, the Fund can also invest in Shari’a-compliant GCC fixed income and money market instruments*”

2.4 Albilad Investment Company

Albilad Investment Company manages a fund investing in Sharia compliant real estate companies in the GCC. The fund is called the *GCC Real-Estate Equity Fund (Aqaar)* and was launched in July 2010. According to the company website “*the fund adopted a cautious investment strategy by diversifying risks through out the GCC’s markets*”.

2.5 Barwa Bank

Qatar’s *Barwa Bank* established in July 2012 an open-ended collective investment scheme for Qatari nationals called *The First Investor GCC Equity Opportunities Fund*. The fund invests in equities and equity-related securities of companies listed on stock exchanges “*within the Gulf cooperation Council (the “GCC”) countries*”. The fund is managed by *The First Investor*

2.6 Gulf Investment Corporation

The *Gulf Investment Corporation* categorises its “*GCC region*” funds into a group of four funds known as the *GCC Funds*.

Conferences

Conference organisers have been assiduous in using the GCC initials as a label to promote their regional focus on the countries belonging to the Council. But in many cases this does not imply any link to, or support from the Council itself. In most cases, while the activities of the Council as an organisation may be discussed – it is in fact the activities of national governments which are scrutinised at these events.

2.7 Gulf Research Center

The **Gulf Research Center** will hold the *GCC-Switzerland Forum* in September 2013. The event “*aims to assess the status quo of relations between Switzerland and the six GCC countries*”. The Center was established in 2000 by Saudi businessman **Dr Abdulaziz Sager**. The organisation has offices in Geneva, Cambridge and Jeddah. It operates on an independent and not-for-profit basis.

2.8 Euromoney

London based financial market information company **Euromoney** organised a conference entitled “*The GCC Private Banking Conference*” in Manama, March 2012.

2.9 Middle East Association and City of London Corporation

The **Middle East Association** and **City of London Corporation** held the fourth annual “*City and GCC Countries Conference*” in London, the UK. The MEA is an independent UK-based trade body with offices in central London. It has no formal links to the Council and organises this and many other events for the benefit of its members and for paying subscribers without reference to the Council.

2.10 8th International Scientific Conference for Medical Students of the GCC countries

The *8th International Scientific Conference for Medical Students of the GCC countries* took place at **Sultan Qaboos University** in Muscat, Oman, in January 2012. Oman’s Minister of Health **Dr Ahmed Bin Mohammed Al-Saeedi** attended, suggesting no objection from the government to the use of the term GCC.

2.11 Datamatix Group

Dubai based information technology and conference organiser **Datamatix Group** is a serial user of the term GCC when referring to member states both in its conference and award branding. Datamatix is associated with the **GCC Global Competitiveness Development Institute**, which “*aims at becoming an internationally recognized quality management standard developer*”. Ownership is not clear and we therefore cannot conclude that the organisation is definitely unaffiliated with the GCC.

Examples

- The company is leading the **GCC 2015 eBusiness and Information Society** project, which utilises the internet domain www.gccinfosociety.com. The project aims to congregate 1m GCC organisation and community websites to create a strong online business and information society
- The company is organising the **GCC eTourism Development Conference** in November 2012 in Dubai
- It is also holding the **9th GCC Banking and Financial Markets Conference** in November 2012 in Dubai
- **2nd GCC Municipalities and Towns Planning Global Competitiveness Conference**, December 2012-10-12
- **4th GCC Government Organization Websites Global Competitiveness Conference**, December 2012
- **International Position's Challenges for (GCC) Nationals Conference**, December 2012
- **2nd GCC Export and Re-Export Conference**, January 2013
- The company holds the **GCC Websites Excellence Awards**

Sport

In a number of cases, popular sporting events have taken the GCC label to indicate that participants are from GCC member states. But the Council itself does not have any direct affiliation with the promotion, sponsorship or organisation of the event.

We have attempted to be cautious about which events we include in this section of the report as the *GCC General Secretariat of the National Olympic Committees* may extend some kind of approval to certain sporting events which could be interpreted as a licence to use the initials as a label.

2.12 GCC Bowling Championships

There are a number of regional bowling competitions branded as *GCC Bowling Championships*. The Fourth GCC Bowling Championships for the hearing impaired took place in Bahrain earlier this year and was sponsored by the *Bahrain Olympic Committee, Ministry of Interior, Ithmaar Bank, Toyota, Bahrain Petroleum Company, Chevron, Al Baraka Banking Group, Bahrain Financing Company* and *Funland Bowling Centre*. The Council was not involved.

Other

2.13 World Travel Awards

World Travel Awards give awards to travel industry players each year, including the *GCC's Leading Travel Management Company* award, in 2012 given to *Abu Dhabi Travel Bureau*. GCC is clearly being used here to refer to the geographical region in which travel companies are operating, rather than GCC as an organisation. WTA was established in 1993 by **Graham E. Cooke** and is based in London. The organisation's main sponsors in 2011 were *BBC World News, the Jamaica Tourist Board, Emaar Hotels & Resorts, Armani Hotel Dubai, Sandals Resorts, Tourism Authority of Thailand* and *WeClick Media*. Its media partners are *International Herald Tribune, CNBC Arabiya, National Geographic Traveller, eTurboNews, Breaking Travel News, Khaleej Times, Trav Talk, Trade Arabia, TTN, Travel Daily News, Focus on Travel News, Travel Daily News, Publitoris, Passport Magazine, Travel & Leisure China* and *Xenios World*. WTA has no known affiliation to the GCC.

2.14 CPI Financial

Dubai based financial news and information company *CPI Financial* holds annual *Islamic Business & Finance Awards 2012*, established in 2005. Many of the awards use the term GCC as a geographical descriptor, restricting candidates to institutions based in GCC member states.

Examples include:

- Best Islamic Wholesale Bank – GCC
- Best Islamic Investment Bank - GCC
- Best Islamic Retail Bank - GCC
- Best Takaful Operator - GCC
- Best Islamic Wholesale Bank - MENA non-GCC
- Best Islamic Retail Bank - MENA non-GCC
- Best Takaful Operator - MENA non-GCC

3 Media and Entertainment

Media organisations of all sizes and localities are regularly using the term GCC to refer to the member states rather than the Council itself. Incidents of this type of usage are so common that it is only possible to present a very small illustrative sample from the most popular media outlets. The corporate and brand examples listed above present more concrete and formal examples of how the acronym has ceased to be the exclusive preserve of the Council, and also provide examples of cases when the Council had a realistic opportunity to object. By contrast, the following media examples demonstrate how in the general public understanding – not just of the Gulf itself – but also globally –

GCC is no longer a term which exclusively refers to the Council which bears the initials. In fact it is in a minority of cases that initials are used to refer to the actual organisation. It is notable that unlike the EU and the IMF whose initials are synonymous with the organisation and which many news organisations use without spelling out the name in full, the Gulf Cooperation Council is almost always referred to by its full name at the start of any article which deals with it specifically. Conversely, when GCC is used on its own, the implication is that the region or collection of member states is being referred to and specifically not the actual organisation.

News outlets

The GCC acronym has been adopted widely by media – especially media based in the Gulf region itself, but also global media to some extent, as a synonym for the Gulf States who are members of the Council. It is worth focusing on the detail of journalistic style to understand the full significance of this point. There are some major global news organisations such as Reuters and the BBC which may use the GCC acronym on its own in a headline, but invariably spell out the Council's full name the first time that the acronym is used in the full text of the article. These organisations often also follow this first use of the acronym with a list of the member countries. They, however, are the exception and are catering for a global audience which is not necessarily familiar with the Gulf region.

The vast majority of news organisations which are focused on reporting of the Gulf and Gulf affairs not only use GCC in the headlines of news articles to refer to the region rather than to the Council itself, but also frequently use the GCC acronym in the main text of articles without any reference to the Council at all. By contrast, when these organisations wish to refer specifically to the Council it is almost always refer to by its full name on first mention and sometimes even refer to it by its full formal name of *Co-operation Council for the Arab States of the Gulf*. This clearly demonstrates that in public and popular understanding, the GCC initials now carry their own separate meaning related to the wider region and not to the Council itself.

3.1 Zawya

Like many media outlets, Zawya frequently uses GCC as term referring to a region, rather than the Council.

10 October 2012 “*The **GCC** market is unique in structure...*”

- http://www.zawya.com/story/GCC_market_lucrative_for_Indian_advertisers-GN_10102012_111041/

3.3 Al Bawaba News

Large Oman based internet publisher

“*The **GCC** hospitality sector is poised for healthy growth owing to favourable economic conditions, infrastructure development, increased bids to host high-profile global events and government support to the private sector.*”

<http://www.albawaba.com/business/gcc-hospitality-set-grow-445474>

“*In remarks at the end of a meeting of **Gulf Cooperation Council** and EU foreign ministers in the Spanish city of Granada...*”

- <http://www.albawaba.com/news/uae-iran-makes-attempts-change-demographics-occupied-islands>

3.4 Gulf News

Dubai based English language *Gulf News* with an average daily circulation of more than 100,000 on Thursdays and Sundays in 2011.

“*The **GCC** market is unique in structure...*”

- <http://gulfnews.com/business/technology/gcc-market-lucrative-for-indian-advertisers-1.1087619>

“Six members of the current Australian squad, including Brosque, are playing in the **GCC** region”

- <http://gulfnews.com/sport/football/brosque-makes-a-strong-case-for-gcc-clubs-1.1087424>

“Challenge of entrepreneurship in **GCC**”

“This shows that small firms in **GCC** are relatively inefficient”

- <http://gulfnews.com/opinions/columnists/challenge-of-entrepreneurship-in-gcc-1.1087111>

“The seventh consultative summit of the **Gulf Cooperation Council** is set to begin.”

- <http://gulfnews.com/news/gulf/saudi-arabia/gcc-summit-begins-today-1.289140>

3.5 Gulf Times

“Qatar bourse on track for listing by **GCC** firms – The Qatar Exchange is on track to witness the advent of listed companies from other Gulf countries and allow securities lending and borrowing (SLAB) as part of attracting more foreign investments. “We are in discussion with a number of **GCC**-listed companies who are actively working toward listing here in Qatar,” Qatar Exchange’s newly appointed CEO Rashid bin Ali al-Mansoori told the Meed Qatar Banking Summit.”

- http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=536099&version=1&template_id=48&parent_id=28

“International Monetary Fund (IMF) Managing Director Christine Lagarde (centre) with Bahrain’s finance minister Ahmed bin Mohammed al-Khalifa (left) and Saudi Arabia’s finance minister Ibrahim al-Assaf before the **Gulf Cooperation Council (GCC)** finance ministers meeting in Riyadh recently.”

- http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=536415&version=1&template_id=48&parent_id=28

3.6 Oman Daily Observer

Oman based daily newspaper

“There is no doubt that millions of expatriates flock to **GCC** countries...”

- <http://main.omanobserver.om/node/113863>

“Dr Bakhit al Mahri, Member of the Majlis Addawla and Educational Director at the **Co-operation Council for the Arab States of the Gulf** Secretariat General...”

- <http://main.omanobserver.om/node/101211>

3.7 Middle East Economic Digest

Specialist regional publication

“Most of the major airports in the **GCC** are reporting increases of between 10-20 per cent in year-to-date passenger numbers.”

- <http://www.meed.com/tenders-and-contracts/sectors/transport/gcc-airport-passenger-traffic-rises/3153917.article>

“Countries still need to ratify **Gulf Co-operation Council** proposals”

“The parliament’s foreign affairs committee approved the **Gulf Co-operation Council’s** proposals for a single currency.”

- <http://www.meed.com/sectors/economy/government/kuwait-approves-gulf-monetary-union/3000687.article>

3.8 Dubai Chronicle

Privately owned online publication founded in 2007.

*“The development is particularly targeted at **GCC**, Chinese and Russian investors.”*

- <http://www.dubaichronicle.com/2012/09/16/emaar-serviced-residences-downtown-dubai/>

*“His Excellency Eng. Sultan Bin Saeed Al Mansoori, UAE Minister of Economy, today inaugurated the 21st meeting of the **Gulf Co-operation Council (GCC)** Committee of Ministers of Planning and Development...”*

- <http://www.dubaichronicle.com/2011/06/01/gcc-ministers-of-planning-development-address-region%E2%80%99s-concerns-and-growth/>

3.9 Emirates 24/7

UAE based online publication

*“Emami International, the Dubai-based subsidiary of the \$450 million (Dh1.65 billion) Indian business entity, Emami Group, said the **GCC** market for men's face care was growing at 37 per cent”*

- <http://www.emirates247.com/eb247/companies-markets/markets/men-s-face-care-market-grows-at-37-in-gcc-2010-05-18-1.245296>

*“Mohammed Al Jasser, Governor of the Saudi Arabian Monetary Agency (Sama), is the most likely candidate to chair the board of the future central bank of the **Gulf Co-operation Council**, Asharq Al Awsat reported yesterday, citing officials.”*

- <http://www.emirates247.com/eb247/economy/regional-economy/sama-governor-likley-to-chair-gcc-central-bank-2010-03-21-1.70786>

3.10 Gulf Daily News

Bahrain based daily newspaper

*“**GCC** countries represent a market worth more than \$1 trillion to foreign investors”.*

- <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=338451>

*"We have confronted them with determination through unified positions reflected in the pioneering role of the **Gulf Co-operation Council** and we seek with the help of God to strengthen the unity between its member states." His Majesty King Hamad Al-Khalifa*

- <http://www.gulf-daily-news.com/NewsDetails.aspx?storyid=339751>

3.11 Arab Finance

ArabFinance.com is an online provider of financial information as well as financial services.

*“Despite concerns over hotel room oversupply as well as political risks in some destinations in the **GCC**, outlook for the six-nation bloc's hotel sector remains highly positive.”*

- <https://www.arabfinance.com/News/newsdetails.aspx?Id=226329>

3.12 Travel and Tourism News Middle East

Part of the *Al Hilal Publishing and Marketing Group*

*“**GCC** gets first green tour company”*

“...our fresh concept of travel throughout the GCC region...”

- <http://ttnworldwide.com/articles.aspx?ID=1654&artID=11601>

Books

Well known publishers from Europe and the **United States** have frequently published books which are titled using the term GCC to refer specifically to member states or characteristics, institutions or individuals residing in member states.

Examples include:

3.16 Schriften zur Gesundheitsökonomie

Schriften zur Gesundheitsökonomie have published a book called, *Managed Equipment Services as a Conceptual Business Opportunity Model for the GCC with focus on UAE: An Institutional and Economic Analysis*. The book was written by **Michael J. Kloep** and was published November 2011

3.17 Wiley Finance

In April 2013 publisher *Wiley* subdivision *Wiley Finance* intends to publish a book by **Abdul Rahman Khalil Tolefat** and **Mehmet Asutay** entitled *Takaful Investment Portfolios: A Study of the Composition of Takaful Funds in the GCC and Malaysia*.

3.18 Routledge Advances in Middle East and Islamic Studies

Routledge division *Routledge Advances in Middle East and Islamic Studies* is planning on publishing a book called *Higher Education in the Gulf: Revolution in GCC Institutions* by **Fatima Badry** and **John Willoughby** in January 2014.

3.19 Springer Science and Business Media New York

Springer unit *Springer Science and Business Media New York* published the book *The GCC Economies: Stepping Up To Future Challenges* edited by **Mohamed A. Ramady** in April 2012.

3.20 VDM Verlag Dr. Müller

The book *Arab GCC Banking: Measurement of Competition* by **Saeed Al-Muharrami** was published in March 2010 by *VDM Verlag Dr. Müller*.

3.21 ICON Group International Inc

ICON Group International Inc published *GCC: Webster's Timeline History, 1876 – 2007*, edited by Professor **Phillip M. Parker**, in March 2010.

4 Use of GCC as a geographical term

A large number of the most authoritative organisations which analyse and report on the Gulf region use GCC as a regional geographical term rather than a term indicating the actual institution. The fact that this understanding has been adopted by organisations such as the Royal Institute for International Affairs (Chatham House), the UK Government, the IMF, World Bank, Gulf Research Centre and other respected bodies shows the extent to which the independent usage of GCC as a term has been established and accepted in a way that can only be described as authoritative.

4.1 Chatham House

Chatham House is currently running a project in its Middle East and North Africa unit entitled “*Future Trends in the GCC*”. GCC here refers to the geographical area defined as the member states of the Gulf Cooperation Council but has no relation to the GCC as an organisation. GCC has broadly been substituted for what might in previous decades have been called the Gulf monarchies.

An example of use of the term GCC in the project can be seen in the transcript from two Chatham House workshops which took place in May 2012 - *Identities and Islamisms in the GCC* and *Political and Economic Scenarios for the GCC*. The term is consistently used as a geographical label.

Examples from *Identities and Islamisms in the GCC*:

- *Changing dynamics in the wider Middle East region are bound to have an impact on the GCC states. The perceived success or failure of the Egyptian transition will affect views of both democracy and political Islam in the GCC, pp2*
- *Sectarian tensions are being fuelled by inter-state competition. They also reflect socio-economic cleavages, being more pronounced in Bahrain and Saudi Arabia than in the other GCC countries where socio-economic differences are less manifest, pp2*
- *GCC governments, pp4*

http://www.chathamhouse.org/sites/default/files/public/Research/Middle%20East/0512gcc_summary.pdf

Examples from *Political and Economic Scenarios for the GCC* are clearer still:

- *Longstanding efforts to diversify the GCC economies away from oil, pp2*
- *Yet the nature of citizenship in the GCC is also shaped by the political economy of the GCC countries, pp3*
- *However, this growth was almost exclusively driven by dramatic increases in state spending, which have been a continuous feature of GCC economic policy, pp4*

Here the term is clearly used in a manner completely removed from the Gulf Cooperation Council. It refers to GCC economic policy, for example, in a way in which the author appears to have assumed it self-evident that this refers to the economic policy of member states of the GCC, rather than the policy of the council.

http://www.chathamhouse.org/sites/default/files/public/Research/Middle%20East/0512gcc_summarytvo.pdf

4.2 Alpen Capital

Alpen Capital, a GCC and Asia focussed investment bank, produces research reports on economic trends in GCC states. These use the term GCC as an indicator of an economic entity unrelated to the Gulf Cooperation Council. See for example the company's March 2012 report, *GCC Construction Industry*

This is emphasised by turns of phrase such as;

- *growth is also not uniform across all regions within the GCC, pp6*
- *GCC region continues to enjoy premium on rental yields, pp6*
- *The GCC, which is home to more than 16 million expatriates from around the world with strong aspirations and preferences for their own homes, is likely to drive the housing demand across the region, pp7*

<http://www.alpencapital.com/downloads/GCC%20Construction%20Sector%20Report%20-%2027%20March%202012.pdf>

Other private companies use the term GCC in a similar context in their research documents, see for example *Markaz* subsidiary *Marmore* (www.e-marmore.com), *Ventures Middle East* (www.indexexhibition.com/files/gcc_hospitality_sector_may_2011.pdf) or *A. T. Kearney* (<http://www.atkearney.ae/index.php/News/gcc-banks-may-see-wave-of-mergers-and-acquisitions.html>)

4.3 The World Bank

The World Bank refers to the GCC as a geographical region in its December 2010 report on "Investment Funds in MENA".

Examples include;

- *At present, GCC investors are able to access real estate investments only with difficulty and considerable risk, pp7*
- *A GCC-only analysis finds that GCC-domiciled investment funds that invest in the GCC account for just 1.7 percent of GCC total stock market capitalization, pp8*
- *There is also wide variance within the GCC, pp9*

http://siteresources.worldbank.org/INTMNAREGTOPPOVRED/Resources/MENAFlagshipMutualFund2_28_11.pdf

4.4 The International Monetary Fund

The IMF has also produced reports using the term GCC as a geographical descriptor. Consider the April 2010 working paper, “*The GCC Banking Sector: Topography and Analysis*”. This is made more or less explicit in the opening statements, “*In this paper, we analyze the evolution of the Gulf Cooperation Council (GCC) banking sectors in the six member countries*”.

The term is used like this throughout the paper. Some examples include;

- Chapter headings such as, “*Structure of the GCC Financial System*” and “*GCC Banking Sector Balance Sheets: Stylized Facts*”
- *capital inflows to the GCC region, pp4*
- *Section I describes the structure of the financial sector, including cross-border ownership within the GCC, pp4*

<http://www.imf.org/external/pubs/ft/wp/2010/wp1087.pdf>

4.5 Gulf Research Centre

The **Gulf Research Centre Cambridge**, a branch of the Dr Abdulaziz Sager’s Gulf Research Center (above), inaugurated the **Gulf Research Meeting** in July 2012. The keynote speech at the inauguration was given by Major General Dr **Abdul Latef Bin Rashid Al-Zayani**, Secretary General of the Gulf Cooperation Council. Two workshops at the first Meeting were titled using GCC as a regional descriptor; *The Arab Spring: Impacts and Consequences on the GCC* and *Socio-economic Impacts of GCC Migration*. It is clear from the texts of both workshops that GCC refers to Gulf states, rather than the Council.

4.6 Economist Intelligence Unit

In March 2009 the research company **The Economist Intelligence Unit** published a report called *The GCC in 2020 Outlook for the Gulf and the Global Economy*. The report was sponsored by the **Qatar Investment Centre**.

Examples of the use of the term GCC in the report:

- *Over the past ten to 12 years, the Gulf Co-operation Council (GCC) region, which comprises Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates, has undergone rapid economic, demographic and social changes, pp2*
- *In the first report, we look at the role that the GCC will play in the global economy, pp2*
- *As US economic growth has slowed, GCC investors have begun to diversify their assets more widely, pp2*

<http://graphics.eiu.com/marketing/pdf/Gulf2020.pdf>

EIU reports utilising similar use of the term:

- http://graphics.eiu.com/upload/eb/GCC_Trade_and_Investment_Flows_Falcon%20South_Web_22_MARCH_2011.pdf
- http://graphics.eiu.com/upload/eb/GCC_in_2020_Resources_WEB.pdf
<http://graphics.eiu.com/upload/eb/Gulf2020part2.pdf>

4.7 Institute of International Finance

Global association of financial institutions, the IIF regularly produces research reports for its members. One of these, GCC: Regional Briefing from 2008, frequently refers to the 'GCC' in reference to the member states or institutions residing in the member states.

Examples of use of the term GCC:

- *GCC banks have remained well capitalized and profitable*
- *Risks to the GCC region have risen, but are likely to be contained*
- *GCC Outlook: Baseline and Low-Case Scenarios*

www.iif.com/download.php?id=L/hOjB87aN4

4.8 UK Foreign and Commonwealth Office

UK government department - Note from the British Embassy in Abu Dhabi

“Food and water security is a serious issue in the Gulf. The Gulf States rely on desalination for much of their water supply and import a high proportion of their food. Benefits could be reaped from a regional approach. Food and water security is a major issue for the GCC countries.”

<http://www.ukti.gov.uk/export/countries/asiapacific/middleeast/saudiArabia/premiumcontent/355240.html>

Conclusion

As the numerous examples cited in this report demonstrate, the GCC acronym is widely used by companies, financiers, conference organisers, journalists, analysts, academics and officials to refer to the region comprised of the six countries that are members of the Gulf Cooperation Council. When the initials are used in this way, they are not meant to refer to the Council as an institution or body itself. The term GCC is of course also used in a wide variety of contexts to refer to the Council or its associate bodies and policies. But very often the full name of the Council is included in order to avoid ambiguity. The existence of such a broad range of examples of the acronym GCC being used as a purely region term is the foundation of our conclusion that the initials no longer refer exclusively to the Council and its activities in a Gulf context.

In all the examples that we have cited, perhaps most relevantly in the commercial and corporate examples at the start of the report, there is no evidence that the Gulf Cooperation Council has ever attempted to claim an exclusive right to use its initials – nor that it has ever taken steps to prevent independent commercial organisations for adopting the initials as part of their corporate identity or brand marketing. There is also no suggestion that the businesses which have adopted the GCC identity in the ways described are in any sense attempting to pass themselves off as being affiliated to the Gulf Cooperation Council or its related bodies. Public understanding appears to be well used to the idea that the GCC label indicates a regional focus rather than any organisational attachment.

These findings based on an empirical study of the way that the GCC acronym is used across the public sphere are the basis for our conclusion that the term is no longer the exclusive preserve of the body that originated it.

About the author

The lead editor of this report is John Hamilton, a director at Cross-border Information (CbI) and a contributing editor of the respected Middle East-focused fortnightly Gulf States Newsletter (GSN).

CbI is a business intelligence and consultancy company that tracks people, politics and business across Africa and the Middle East. We undertake due diligence and corporate intelligence investigations and provide consultancy services through written reports, confidential briefings and interactive seminars. Our staff expertise is backed by an extensive network of local sources and the CbI Archive - a proprietary database providing corporate clients with over three decades of valuable intelligence on a subscription or search-and-buy basis.

GSN is CbI's Gulf-focused political risk consultancy and business information portal. It has been producing fortnightly analysis of the Gulf region since 1974.

<http://www.crossborderinformation.com/>

<http://www.gsn-online.com/>

Cross-border Information, 16 October 2012

Permanent Observers

Intergovernmental organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent offices at Headquarters

- **African Union**

- Office of the Permanent Observer for the African Union to the United Nations
3 Dag Hammarskjöld Plaza, 305 East 47th Street, 5th Floor, New York, NY 10017
Telephone: (212) 319-5490

- **Asian-African Legal Consultative Organization**

- Office of the Permanent Observer of the Asian-African Legal Consultative Organization to the United Nations
404 East 66th Street, Apt. 12C, New York, NY 10065
Telephone: (212) 734-7608

- **Caribbean Community (CARICOM)**

- Office of the Permanent Observer for the Caribbean Community (CARICOM)
88 Burnett Avenue, Maplewood, NJ 07040
Telephone: (973) 378-9333

- **Central American Integration System**

- Office of the Permanent Observer for the Central American Integration System to the United Nations
211 East 43rd Street, Suite 701, New York, NY 10017
Telephone: (212) 682 1550, 874-3042

- **Commonwealth Secretariat**

- Office of the Commonwealth Secretariat at the United Nations
800 Second Avenue, 4th floor, New York, NY 10017
Telephone: (212) 599-6190, 682-3658, 338-9410

- **Cooperation Council for the Arab States of the Gulf**

- Office of the Permanent Observer for the Cooperation Council for the Arab States of the Gulf to the United Nations
100 Park Avenue, Suite 1600
New York, NY 10017

Telephone: (212) 880-6463

European Union

- Delegation of the European Union to the United Nations
222 East 41st Street, 20th Floor, New York, NY 10017
Telephone: (212) 371-3804
- **International Criminal Court**
- Liaison Office of the International Criminal Court to the United Nations
866 United Nations Plaza, Suite 476
New York, NY 10017
Telephone: (212) 486-1362/1347
- **International Criminal Police Organization (INTERPOL)**
- Office of the Special Representative for the International Criminal Police Organization (INTERPOL) to the United Nations
One United Nations Plaza, Room 2610, New York, NY 10017
Telephone: (917) 367-3463
- **International Development Law Organization**
- Office of the Permanent Observer for the International Development Law Organization to the United Nations
Uganda House
336 East 45th Street, 1st Floor
New York, NY 10017
Telephone: (212) 867-9707 (Office)
(646) 229-0936 (Cellular)
- **International Institute for Democracy and Electoral Assistance**
- Office of the Permanent Observer for the International Institute for Democracy and Electoral Assistance to the United Nations
336 East 45th Street, 14th Floor, New York, NY 10017.
Telephone (212)-286-1084
- **International Organization for Migration**
- Office of the Permanent Observer for the International Organization for Migration to the United Nations
122 East 42nd Street, Suite 1610, New York, NY 10168
Telephone: (212) 681-7000, Ext. 200

- **International Organization of la Francophonie**
- Office of the Permanent Observer for the International Organization of la Francophonie to the United Nations
801 Second Avenue, Suite 605, New York, NY 10017
Telephone: (212) 867-6771
- **International Renewable Energy Agency**
- Office of the Permanent Observer for the International Renewable Energy Agency to the United Nations
Uganda House
336 East 45th Street, 11th Floor
New York, N.Y. 10017
Telephone: (212) 867-9707
- **International Seabed Authority**
- Office of the Permanent Observer for the International Seabed Authority to the United Nations
One United Nations Plaza, Room 1140, New York, NY 10017
Telephone: (212) 963-6470/6411
- **International Tribunal for the Law of the Sea**
- Office of the Permanent Observer for the International Tribunal for the Law of the Sea to the United Nations
Two United Nations Plaza, Room 434, New York, NY 10017
Telephone: (212) 963-3972
- **International Union for the Conservation of Nature and Natural Resources**
- Office of the Permanent Observer for the International Union for the Conservation of Nature and Natural Resources to the United Nations
801 Second Avenue, Suite 405 New York, NY 10017
Telephone: (212) 286-1076
- **League of Arab States**
- Office of the Permanent Observer for the League of Arab States to the United Nations
866 United Nations Plaza, Suite 494, New York, NY 10017
Telephone: (212) 838-8700
- **Organization of Islamic Cooperation**
- Office of the Permanent Observer for the Organization of Islamic Cooperation to the United Nations
320 East 51st Street

Telephone: (212) 883-0140

○ **Partners in Population and Development**

- Office of the Permanent Observer for Partners in Population and Development to the United Nations
336 East 45th Street, 14th Floor, New York, NY 10017
Telephone (212)-286-1082

○ **University for Peace**

- Office of the Permanent Observer for the University for Peace
551 Fifth Avenue, Suites 800 A-B
New York, N.Y. 10176
Telephone: (212) 346-1163

Intergovernmental organizations having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and not maintaining permanent offices at Headquarters

- [African, Caribbean and Pacific Group of States](#)
- [African Development Bank](#)
- [Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean](#)
- [Andean Community](#)
- [Andean Development Corporation](#)
- [Asian Development Bank](#)
- [Association of Caribbean States](#)
- [Association of Southeast Asian Nations](#)
- [Black Sea Economic Cooperation Organization](#)
- [Central European Initiative](#)
- [Collective Security Treaty Organization](#)
- [Common Fund for Commodities](#)
- [Commonwealth of Independent States](#)
- [Community of Portuguese-speaking Countries](#)
- [Community of Sahelo-Saharan States](#)
- [Conference on Interaction and Confidence-building Measures in Asia](#)
- [Council of Europe](#)
- [Customs Cooperation Council](#)
- [East African Community](#)
- [Economic Community of Central African States](#)

- [Economic Community of West African States](#)
- [Economic Cooperation Organization](#)
- [Energy Charter Conference](#)
- [Eurasian Development Bank](#)
- [Eurasian Economic Community](#)
- [European Organization for Nuclear Research](#)
- [Global Fund to Fight AIDS, Tuberculosis and Malaria](#)
- [GUUAM](#)
- [Hague Conference on Private International Law](#)
- [Ibero-American Conference](#)
- [Indian Ocean Commission](#)
- [Inter-American Development Bank](#)
- [Intergovernmental Authority on Development](#)
- [International Centre for Migration Policy Development](#)
- [International Conference on the Great Lakes Region of Africa](#)
- [International Fund for Saving the Aral Sea](#)
- [International Humanitarian Fact-Finding Commission](#)
- [International Hydrographic Organization](#)
- [Islamic Development Bank Group](#)
- [Italian-Latin American Institute](#)
- [Latin American Economic System](#)
- [Latin American Integration Association](#)
- [Latin American Parliament](#)
- [OPEC Fund for International Development](#)
- [Organization for Economic Cooperation and Development](#)
- [Organization for Security and Cooperation in Europe](#)
- [Organization of American States](#)
- [Organization of Eastern Caribbean States](#)
- [Pacific Islands Forum](#)
- [Parliamentary Assembly of the Mediterranean](#)
- [Permanent Court of Arbitration](#)
- [Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, the Horn of Africa and Bordering States](#)
- [Shanghai Cooperation Organization](#)
- [South Asian Association for Regional Cooperation](#)
- [Southern African Development Community](#)

- South Centre
- Union of South American Nations
- West African Economic and Monetary Union

Other entities having received a standing invitation to participate as observers in the sessions and the work of the General Assembly and maintaining permanent offices at Headquarters

- **International Committee of the Red Cross**
- Delegation of the International Committee of the Red Cross to the United Nations
801 Second Avenue,
18th Floor,
New York, NY 10017-4706
Telephone: (212) 599-6021
- **International Federation of Red Cross and Red Crescent Societies**
- Delegation of the International Federation of Red Cross and Red Crescent Societies to the United Nations
800 Second Avenue,
Suite 355 (Third Floor)
New York, NY 10017
Telephone: (212) 338-0161
- **International Olympic Committee**
- Office of the Permanent Observer for the International Olympic Committee to the United Nations
708 Third Avenue, 6th Floor New York, NY 10017
Telephone: (212) 209 3952
- **Inter-Parliamentary Union**
- Office of the Permanent Observer to the United Nations
220 East 42nd Street, Suite 3002, New York, NY 10017
Telephone: (212) 557-5880
- **Sovereign Military Order of Malta**
- Office of the Permanent Observer for the Sovereign Military Order of Malta to the United Nations
216 East 47th Street,
8th Floor,
New York, NY 10017
Telephone: (212) 355-6213/4601

*Based on the United Nations Protocol's Blue Book
Last updated from A/INF/67/5 (26 December 2012)*

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	InterNetWire Web-Development GmbH
Application ID	1-1952-21459
Applied for TLD (string)	GMBH

Response:

InternetWire Web-Development GmbH, the applicant for the .gmbh Top Level Domain respectfully submits the following response to the GAC Advice in the GAC Beijing Communiqué:

The applied-for .gmbh Top Level Domain is a corporate identifier, which is why InternetWire Web-Development GmbH had already included various safeguards in its application to ensure that only those Registrants would be eligible to register domain names that are actually allowed to use the "GmbH" acronym. All registrations are validated with the public registers to ensure that eligibility is given. In addition to that, content restrictions have been foreseen to provide for a trustworthy namespace and safe surfing experience for Internet users.

Although these parameters were already in integral part of the application, these factors were made subject of a Public Interest Commitment, from which we quote the following paragraphs:

Eligibility / Validation

The Registry Operator undertakes to adhere to the parameters of the .GMBH Eligibility Policy which specifies that only GmbHs and gGmbHs (the latter being GmbHs serving the public good) whose existence can be validated with the respective public registers in Austria, Germany, Liechtenstein, Luxembourg and Switzerland are eligible registrants. All registrants will be validated as explained in detail in the answers to questions 18a, b and 28.

Content Restrictions

Additionally, the Registry Operator will ensure that unique content and/or added value information about GmbHs or relevant to GmbHs via domain names operated by validated registrants (e.g. register.gmbh or search.gmbh) will be offered, see the answers to question 18a and 28.

GAC Advice Response Form for Applicants



In the answer to question 28, it was already foreseen that the Registry reserves the right to terminate a domain registration if and when the Registrant ceases to be eligible for registration. Post-registration checks can and will also be performed on a random basis and we would be more than happy to work with ICANN to work on concrete approaches for such post-registration checks or adhere to requirements prescribed by ICANN for such measures.

Hence, we do believe to already have addressed those concerns raised by the GAC, that relate to corporate identifiers. As far as the other parameters of the GAC Advice are concerned, we trust that the ICANN Board will appropriately deal with them.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Red Circle LLC
Application ID	1-1970-27496
Applied for TLD (string)	expert

Response:

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focuses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we find it disconcerting that the GAC chose to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted.

That being the case, we are faced with a choice. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

GAC Advice Response Form for Applicants



Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under duress.

Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

GAC Advice Response Form for Applicants



4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

GAC Advice Response Form for Applicants



We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully
Red Circle LLC

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	The Weather Channel, LLC
Application ID	1-1977-49078
Applied for TLD (string)	WEATHER

Response:

The Weather Channel, LLC (“TWC”) appreciates the opportunity to Respond to the ICANN Board (the “Board”) with regard to the GAC Communiqué issued by the Governmental Advisory Committee (“GAC”) on April 11, 2013, and published by ICANN on April 18, 2013 (“GAC Communiqué”). In sum, while TWC respects the recommendations offered by the GAC Communiqué, TWC believes that the Board should not consider the recommendations in Section IV(b) and Annex 1 of the GAC Communiqué as part of the gTLD evaluation process for the application for .WEATHER because (1) .WEATHER was inappropriately classified as a generic term string given the numerous trademark registrations TWC has obtained globally for its WEATHER and WEATHER.COM trademarks; (2) the recommendations are untimely under the clear language of the Applicant Guidebook (“AGB”); (3) they are broad policy recommendations that are not in a form recognized by the AGB for GAC advice related to new gTLD applications under the AGB that can be considered by the Board; and (4) the Board’s adoption of these recommendations would essentially rewrite the AGB and impose significant unexpected additional costs and obligations on many applicants who relied on the existing contractual framework, with no warning and at the end of the application process. However, should the Board be inclined to adopt these recommendations, TWC encourages the Board to engage in a dialogue with the GAC to develop details related to such recommendations in order that they be placed in definitive and implementable condition so that TWC’s operation of the .WEATHER TLD may comport with them.

(1) .WEATHER IS NOT A GENERIC TLD AS APPLIED FOR BY TWC AND AS SUCH SHOULD NOT HAVE BEEN INCLUDED IN THE GAC COMMUNIQUE

TWC respectfully disagrees with the GAC’s characterization of .WEATHER as a generic term. TWC is the owner of well-recognized global brands WEATHER and WEATHER.COM, and has

GAC Advice Response Form for Applicants



registrations in forty (40) countries and territories that have representation on the GAC, covering various goods and services. By way of example:

- TWC is the owner of the WEATHER mark in the following countries: [Denmark, Djibouti, Lebanon, Morocco, Norway, OAPI, Spain]
- TWC is also the owner of the WEATHER.COM mark in the following countries: [United States, European Union, Lebanon, Morocco, Norway, OAPI, Spain]

A chart showing the details of each of its trademark registrations for WEATHER and WEATHER.COM, along with the registration certificates for each are attached collectively hereto as EXHIBIT A.

In addition to its trademark registrations, TWC expresses its brands through an extensive domain name portfolio which currently includes existing domain names with an exact match to the WEATHER trademark in the second level, including com, mobi, travel, co.at, co.gg, co.uk, co.uz, com.ag, com, dm, com.ec, com.gy, com.kn, com.pr, com.vc, dm, gl, gy, kn, tv, uz, a list of which is attached as EXHIBIT B.

TWC, in conjunction with its WEATHER and WEATHER.COM brands, is a leading global brand and a recognized leader in weather forecasting capabilities. TWC uses its WEATHER mark in conjunction with its core business and reaches close to 100 million TV viewers, 60 million web users, and millions of mobile users monthly.

Given the foregoing, TWC contends that the GAC's categorization of .WEATHER as a generic term is incorrect. However, even if the Board were to disregard trademark registrations issued by GAC member states and consider the .WEATHER gTLD as a generic term, the limited restricted registry access contemplated by TWC serves several public interest goals, as discussed below.

(2) THE BOARD SHOULD NOT CONSIDER THE GAC COMMUNIQUE DURING THE EVALUATION PROCESS

(A) THE GAC COMMUNIQUE WAS NOT SUBMITTED IN TIME TO BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

The AGB provides that "[t]he GAC may provide public policy advice directly to the ICANN Board on any application." Section 1.1.2.7. However, the AGB makes clear that "to be considered by the Board during the evaluation process, the GAC Advice on New gTLDs must be submitted by the close of the objection filing period." This submission deadline is of such importance that it is stated not once, but twice in the AGB – in Sections 1.1.2.7 and 3.1. It is a condition precedent that for any GAC Advice to be considered during the evaluation process, it must be submitted prior to the close of the Objection Filing Period. The Objection Filing Period closed on March 13, 2013, at 23:59:59 UTC (see <http://www.icann.org/en/news/announcements/announcement-2-28feb13-en.htm>). The GAC Communique is dated April 11, 2013.

Accordingly, while the Board may and should forward the GAC Communique to the GNSO for consideration and potential implementation in the next round of gTLD applications, the Board

GAC Advice Response Form for Applicants



should not consider the GAC Communique in the evaluation process for this round of applications, which round is nearing its end.

(B) EVEN IF THE GAC COMMUNIQUE WAS TIMELY, THE PORTIONS OF IT RELEVANT TO THE .WEATHER APPLICATION ARE NOT IN A FORM WHICH MAY BE CONSIDERED BY THE BOARD IN THE EVALUATION PROCESS

Section 3.1 of the AGB also specifies the three (3) possible forms for GAC Advice that may be considered by the Board. Specifically, it states:

“GAC Advice may take one of the following forms:

I. The GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved. (‘Type I Advice’)

II. The GAC advises ICANN that there are concerns about a particular application ‘dot-example.’ The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision. (‘Type II Advice’)

III. The GAC advises ICANN that an application should not proceed unless remediated. This will raise a strong presumption for the Board that the application should not proceed unless there is a remediation method available in the Guidebook (such as securing the approval of one or more governments), that is implemented by the applicant. (‘Type III Advice’)

Only Section IV(b) and Annex 1 of the GAC Communique are potentially relevant to the .WEATHER TLD Application (the “Potentially Relevant Commentary”). Nothing in the Potentially Relevant Commentary suggests to ICANN that it is the consensus of the GAC that any particular application should not proceed. Accordingly, the Potentially Relevant Commentary should not constitute Type I Advice. Similarly, there is nothing in the Potentially Relevant Commentary suggesting that any application should not proceed unless remediated. Accordingly, the Potentially Relevant Commentary should not constitute Type III Advice.

Finally, the Potentially Relevant Commentary does not suggest to ICANN that there are concerns about a particular application, and therefore it should not constitute Type II Advice. If the GAC intended to express concerns about particular applications, the reasonable expectation is that it would have articulated such concerns on a case-by-case basis, taking into consideration the specifics of each string, application, and applicant. Instead, in the first part of the Potentially Relevant Commentary, the GAC advises the Board of six (6) safeguards that it now believes should be used to amend the AGB and apply to all new gTLDs (“General Safeguards”): (1) Biannual Whois verification and checks to identify registrations with deliberately false, inaccurate, or incomplete Whois information and notifying the relevant registrar of the inaccuracy; (2) Mitigating abusive activity by ensuring that registry terms of use prohibit illegal and illicit conduct; (3) Security checks to assess whether domains are being used to perpetrate security threats; (4) Documentation of inaccurate Whois records and security threats and the actions taken to respond to such checks; (5) Ensuring that there is a mechanism in place for making complaints to the registry operator regarding inaccurate Whois or security threats in the

TLD; and (6) ensuring that there are consequences for false Whois information and use of a domain name in violation of law. As is evident from these enumerated safeguards, this is general policy commentary and not a concern about a particular application.

The GAC Communique then lists additional safeguards that should apply to what it identifies as two categories of gTLDs: Category 1, Consumer Protection, Sensitive Strings, and Regulated Markets; and Category 2, Restricted Registration Policies. For Category 1 gTLDs, the GAC Communique lists a number of subcategories of gTLDs, including Children, Environmental, Health And Fitness, Financial, Gambling, Charity, Education, Intellectual Property, Professional Services, Corporate Identifiers, Generic Geographic Terms, and Inherently Governmental Functions, and includes the .WEATHER application as its own category. For all Category 1 gTLDs, the GAC Communique advises that Registry operators: (1) require registrants to comply with the law in their acceptable use policies, including those that relate to privacy, data collection, consumer protection, and disclosure of data; (2) notify registrants of such requirements at the time of registration; (3) require registrants that collect and maintain sensitive health and financial data to take reasonable security measures; (4) establish a working relationship with the relevant regulatory, industry, or self-regulatory bodies; and (5) require registrants to provide and update a single point of contact (“Category 1 Safeguards”).

These Category 1 Safeguards do not express a specific concern about a particular application, and therefore should be deemed general policy commentary suitable for the GNSO Council to consider for Round Two. Although it advises that “[t]hese strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm,” the GAC Communique does not elaborate on what that harm (i.e. the “concern”) would be.

Likewise, in the Category 2 section of the Potentially Relevant Commentary, the GAC Communique advises the Board that for strings identified in Category 1 where registration is restricted (which would include .WEATHER), that “the registration restrictions should be appropriate for the types of risks associated with the TLD” (“Restricted Access Safeguards”), and that for strings that represent generic terms (which also would include .WEATHER, according to the GAC Communique) that exclusive registry access should serve a public interest goal (“Exclusive Access Safeguards”). The Restricted Access and Exclusive Access Safeguards also are policy recommendations suitable for consideration by the GNSO Council for Round Two because they do not express concerns about a particular application in the current round, as required by the AGB.

Furthermore, the categories and subcategories identified in the GAC Communique have no basis in the AGB, which only specifies two types of applications: community-based and non-community-based. The AGB makes no mention of, or distinction between, restricted or unrestricted TLDs, because the AGB allows each applicant to set its own registry restrictions and business models in order for innovation and competition to flourish. Similarly, the General Safeguards, Category 1 Safeguards, Restricted Access Safeguards, and Exclusive Access Safeguards have no basis in the AGB. If the Board adopts the categorization and safeguards recommended by the GAC Communique, it would effectively rewrite the AGB and framework for new gTLDs at the end of the gTLD application process after applicants have developed business plans and expended significant amounts of time, resources, and money in reliance on the existing framework. This would be the case even if the GAC Communique had been received by the required submission deadline, underscoring that these types of broad policy

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recommendations, as opposed to advice regarding whether or not a specific application should proceed, are improper at this point in the application process and not of the substance that applicants would reasonably have expected the GAC Communique to contain based on the language of the AGB. The Board should not risk its credibility by rewriting the AGB at this late date.

It should also be noted that the recommendations in Section IV(b) and Annex I of the GAC Communique directly contradict the GAC's longstanding GAC Principles Regarding New gTLDs, dating back to 2007, which states: "All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process [emphasis added]. Normally, therefore, no subsequent additional selection criteria should be used in the selection process."

The most prudent course of action would be for the Board to submit these GAC recommendations to the GNSO Council for consideration as part of the policy development process for possible implementation in later rounds, where potential applicants would be able to make an informed decision on whether to apply for a gTLD with knowledge of these obligations.

(3) THE PROPOSED SAFEGUARDS ARE AMBIGUOUS AND REQUIRE CONSULTANCY AND CLARITY IF THE BOARD INTENDS TO ADOPT THEM

Should the Board be inclined to adopt the recommendations in Section IV(b) and Annex 1 of the GAC Communique as GAC Advice rather than passing the GAC Communique to the GNSO Council for consideration for Round Two, TWC believes that with adequate consultancy and clarity the recommendations could be improved to the point where TWC's intended operation of the .WEATHER gTLD will be aligned.

TWC is a wholly owned subsidiary of TWCC Holding Corporation ("TWCCHC"). Together with other subsidiaries of TWCCHC, TWC is a part of The Weather Channel Companies ("TWCC"). TWCC, through its subsidiaries, including TWC, owns The Weather Channel television network, The Weather Channel digital properties, and other weather-related businesses, including WSI Corporation ("WSI"). The Weather Channel television network reaches over 100 million U.S. households, and TWCC's web properties (including weather.com) receive 60 million unique users each month. TWC reaches 40 million mobile consumers monthly through its tablet and mobile telephone applications and mobile websites, with TWCC mobile applications being one of the most used on smart phones and tablets. WSI provides weather data and services to top companies in the local television/media, energy, and aviation industries. TWC was initially launched in 1982 to program and deliver a cable television network, and today, TWCC is a leading global brand and a recognized world leader in weather forecasting capabilities, with global coverage including the UK, France, Spain, Italy, Germany, India, Brazil, and other Latin American countries. In this regard, continuous innovations and improvements in weather forecasting technologies and reliable online presence are the main consideration in TWC's activities. TWC has a longstanding commitment to the highest ethical standards and has established a reputation as a safety and preparedness expert.

As documented in its application, TWC's intended operation of .WEATHER is in philosophical alignment with the General Safeguards, Category 1 Safeguards, Restricted Access Safeguards (to

the extent applicable), and Exclusive Access Safeguards (to the extent applicable). However, as articulated in the GAC Communique, such safeguards are very ambiguous and very broad and require further consultation by the Board, the applicant community, and the GAC to reach an implementable understanding. TWC looks forward to robust participation in the dialogue.

(A) GENERAL SAFEGUARDS

(1) TWC HAS SET FORTH A SAFEGUARD FOR VERIFICATION AND CHECKS OF WHOIS DATA

As stated in TWC's application for .WEATHER, "[t]he [.WEATHER] gTLD will provide an authoritative Internet space for weather content, where the trusted services and resources of [TWC], its affiliates, and partners will be closely controlled and made available to consumers around the world." As such, the .WEATHER TLD will be a securely restricted TLD which will initially only allow registration of second-level domain names by TWC, its affiliates, and trusted partners, for which registrant criteria has been specified by TWC in its application. Such criteria requires the registrant to be (i) an Affiliate entity of TWC; (ii) an organization explicitly authorized by TWC; or (iii) a natural person explicitly authorized by TWC. In addition, the registration of a domain name under the .WEATHER TLD must be approved by TWC pursuant to a valid application that is authorized by (i) a head of an appropriate department as nominated by TWC; or (ii) an authorized person as nominated by TWC. Such criteria and authorization procedures shall serve to prevent registrations of .WEATHER TLD domain names under false, inaccurate, or incomplete Whois data. Furthermore, if a registrant ceases to be eligible at any time in the future, the .WEATHER registry may cancel or suspend the license to use the Domain Name immediately. Given that each registrant must satisfy the stated criteria and must be authorized by TWC or its nominee, TWC should have access to the correct contact information for them to be used for verification, unlike registry operators of "open" TLDs. As such, TWC is confident that there is minimal risk of domain names under the .WEATHER TLD being registered using deliberately false, inaccurate, or incomplete Whois data.

Notwithstanding such minimal risk, TWC's application further specifies a mechanism whereby third parties can submit complaints directly to TWC (as opposed to ICANN or the sponsoring registrar) about inaccurate or incomplete Whois data. Under the procedure set up by TWC, such information shall be forwarded to the sponsoring registrar, who shall be required to address those complaints with their registrants. Thirty (30) days after forwarding the complaint to the registrar, TWC will examine the current Whois data for names that were alleged to be inaccurate to determine if the information was corrected, the domain name was deleted, or there was some other disposition. If the registrar has failed to take any action, or it is clear that the registrant was either unwilling or unable to correct the inaccuracies, TWC reserves the right to suspend the applicable domain name(s) until such time as the registrant is able to cure the deficiencies.

In addition, TWC has stated that TWC on its own initiative shall, no less than twice per year, perform a manual review of a random sampling of TWC domain names to test the accuracy of the Whois information, and TWC will be examining the Whois data for prima facie evidence of inaccuracies. In the event that such evidence exists, it shall be forwarded to the sponsoring registrar and subject to the process set forth above.

TWC will also authenticate registrant information as complete and accurate at time of registration through measures which could include performing background checks, verifying all contact information of principals mentioned in registration data, reviewing proof of establishment documentation, and other means. Finally, TWC will undertake regular monitoring of registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete Whois data.

(2) REGISTRANTS OF .WEATHER TLDS WILL BE SUBJECT TO TERMS OF USE TO PROHIBIT AND MITIGATE AGAINST ABUSIVE ACTIVITY

Phishing, pharming, cybersquatting, and other forms of Internet fraud flourish in unrestricted TLDs like .com, because anyone can register a domain name in them, without any verification of rights or intended use, and the full burden of monitoring and stopping these fraudulent uses of domain names falls primarily on the companies whose names or marks are being used to perpetrate the fraud, or in some cases government/law enforcement. As the GAC itself opined in the GAC Communique, strings like .WEATHER are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

As stated in its application, TWC recognizes that “strong abuse prevention of a new gTLD is an important benefit to the internet community.” TWC’s registration policy will address the minimum requirements mandated by ICANN, including rights abuse prevention measures. TWC will implement its draft registration policy as means of abuse prevention and mitigation through an acceptable use policy (“Acceptable Use Policy”). This Acceptable Use Policy will clearly delineate the types of activities that constitute “abuse,” including but not limited to distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting, and violation of applicable law. The Acceptable Use Policy shall also set forth the repercussions associated with an abusive domain name registration. Finally, TWC will implement a trademark clearinghouse so that trademark holders can protect their trademarks with a single registration, in accordance with the AGB. However, TWC does intend to allow certain governmental bodies to register in the second level of the .WEATHER TLD. Many governments may not be willing to agree to TWC’s standard terms due to potential sovereignty issues. As a result, TWC will need to maintain flexibility in negotiating the terms of its registration agreements with governmental registrants.

(3) TWC’S REGISTRY PROVIDER INTENDS TO CONDUCT PERIODIC SECURITY CHECKS TO ASSESS SECURITY THREATS

As stated in TWC’s application, the key goals of the proposed new .WEATHER TLD are to promote consumer trust, competition, and consumer choice. Through the .WEATHER TLD, TWC intends to create a means for quicker access to relevant, personalized, and potentially lifesaving weather-related information and increase the already established consumer perception of TWCC as a safety and preparedness expert. As such, TWC will implement strengthened security measures, service levels, and more effective functionality in order to provide a trusted and positive user experience for Internet users looking up online weather-related content.

TWC intends that the .WEATHER registry commit to high security levels that are consistent with the needs of the TLD. These commitments include, but are not limited to, annual audits,

compliances with a security policy, annual training for all operations personnel, security procedures in alignment with ISO 17799, multiple redundant data centers, high availability design, physical security controls, diversified firewall and networking hardware vendors, architecture that includes multiple layers of security, and 24x7 monitoring.

(4) TWC'S REGISTRY PROVIDER INTENDS TO DOCUMENT ITS VERIFICATION AND CHECK PROCESS, SECURITY RISK IDENTIFICATIONS, AND REQUISITE ACTIONS

Since TWC has an interest in ensuring that Whois information is accurate and that the namespace is secure, it also already intends to have a mechanism in place for reporting of inaccurate Whois information and security issues, as well as documenting and reporting the requisite actions taken as a result of verification and security checks.

(5) TWC INTENDS TO ESTABLISH A COMPLAINT MECHANISM FOR REPORTING ABUSE

As stated in its application, TWC will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. TWC will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-accredited registrars, TWC's registry provider, Neustar, shall have an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

(6) TWC WILL ESTABLISH CONSEQUENCES FOR ABUSIVE BEHAVIOR AND FAILURE TO COMPLY WITH THE LAW

TWC and its registry provider are committed to ensuring that those domain names associated with abuse or malicious conduct in violation of the Acceptable Use Policy are dealt with in a timely and decisive manner. This commitment includes taking action against those domain names that are being used to threaten the stability and security of the TWC registry, or are part of a real-time investigation by law enforcement.

Once a complaint is received from a trusted source, third party, or is detected by the Registry, the Registry will use commercially reasonable efforts to verify the information in the complaint. If that information can be verified to the best of the ability of the Registry, the sponsoring registrar will be notified and be given twelve (12) hours to investigate the activity and either take down the domain name by placing the domain name on hold or by deleting the domain name in its entirety, or providing a compelling argument to the Registry to keep the name in the zone. If the registrar has not taken the requested action after the twelve (12) hour period (i.e., is unresponsive to the request or refuses to take action), the Registry will place the domain on "ServerHold." Although this action removes the domain name from the TLD zone, the domain name record still appears in the TLD Whois database so that the name and entities can be investigated by law enforcement should they desire to get involved.

In addition, the policy will be incorporated into the applicable Registry-Registrar Agreement and reserve the right for the registry to take the appropriate actions based on the type of abuse.

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This will include locking down the domain name, preventing any changes to the contact and nameserver information associated with the domain name, placing the domain name “on hold,” rendering the domain name non-resolvable, transferring the domain name to another registrar, and/or in cases in which the domain name is associated with an existing law enforcement investigation, substituting name servers to collect information about the DNS queries to assist the investigation.

TWC contends that the measures and procedures set forth above substantially conform with the sixth General Safeguard articulated in the GAC Communiqué.

Because the purpose of the .WEATHER TLD is to provide a trusted namespace operated by TWC where consumers can get information about TWC, its affiliates and trusted partners, and their products and services, and also be safe from phishing, pharming, cybersquatting, and other forms of online fraud, TWC’s intended operation of .WEATHER is already aligned with the General Safeguards.

(B) CATEGORY 1 SAFEGUARDS

TWC’s intended operation of the .WEATHER TLD as specified in its application is also aligned philosophically with the Category 1 Safeguards. However, such Safeguards also must be the subject of further consultancy and clarity through a process involving the Board, the GAC, and the applicant community.

TWC employs a variety of physical, electronic, contractual, and managerial safeguards to protect personal and confidential information within its premises and on its websites, and TWC will take similar precautions to protect registrant and user data associated with the .WEATHER gTLD. As stated in its application, TWC is committed to protection of privacy and confidential information in accordance with its objective of increasing consumer trust and providing a safe and legitimate Internet space for Internet users. Privacy and confidential information will be protected in accordance with all applicable laws, regulations, and industry standards relating to Internet security, privacy, and users' confidential information. TWC is also accredited by TRUSTe for compliance with TRUSTe’s requirements, including transparency, accountability, and choice regarding the collection and use of personal information from Internet users. In addition, TWC has also implemented its own privacy policy to demonstrate its commitment to the protection of user privacy and confidential information. TWC’s Privacy Statement includes provisions regarding collection, use, transfer, and storage of personal data as well as protection of children’s privacy.

In order to prevent misuse of the Whois look-up facility, TWC will utilize measures including a requirement where any person submitting a Whois database query is required to read and agree to the terms and conditions in accordance with the registration policy. This will include the terms of use that the Whois database is provided for information purposes only and that the user agrees not to use the information for any other purposes, such as allowing or enabling the transmission of unsolicited commercial advertising or other communication. It is intended that the registration terms of use and the registration agreements as well as other agreements between TWC and registrants would require the registrants (which as previously noted, would be either TWC, its affiliates, or trusted partners) to comply with the law and take reasonable

security measures to protect sensitive information and to provide and update a single point of contact.

TWC will continue to apply all security measures currently implemented and will comply with all other policies and practices required by ICANN in the Registry Agreement and any relevant Consensus Policy for protecting the privacy and confidential information of registrants and users in the new .WEATHER domain space. In addition, as stated above, TWC will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct.

With regard to TWC establishing a working relationship with the relevant regulatory, industry, or self-regulatory bodies, the scope of this mandate is unclear. Does this require a relationship be formed with every conceivable government agency globally, or merely the agencies where the registry is primarily located? How can all relevant industry and self-regulatory bodies be identified, and must this be done globally or only where the registry is primarily located? Will applicants be in breach if they attempt to establish such relationships, but the relevant bodies are unable or unwilling to engage? These questions must be answered prior to any implementation of this recommendation.

(C) RESTRICTED ACCESS SAFEGUARDS AND EXCLUSIVE ACCESS SAFEGUARDS

TWC's intended operation of the .WEATHER TLD is also in alignment with the Restricted Access Safeguards and Exclusive Access Safeguards, since these restrictions would not apply to the .WEATHER TLD as it is a branded registry and is merely heavily restricted and not exclusive. Even so, should the Board allow the .WEATHER TLD to be mischaracterized, the registry serves the public interest.

Weather forecasts and information constitute one of the most searched-for types of information on the Internet. This creates significant opportunities for phishing, pharming, and other forms of fraud and abuse related to weather in unrestricted TLDs. As the Board is surely aware, the number and sophistication of Internet scams sent out to consumers is continuing to increase dramatically. (See <http://apwg.com/resources/overview/avoid-phishing-scams>). One of the most common ways that such fraud is perpetrated is through fraudulent websites which solicit the consumer for sensitive information, which the consumer provides because it recognizes the company or brand name. Such domain names incorporating and/or resembling well-known company names and marks can be used to set up fake websites that can trick consumers to enter their personal, password, or financial information (commonly known as "pharming"). (See <http://www.scamwatch.gov.au/content/index.phtml/itemId/829456>). The Board is also aware that cybersquatting continues to be a significant problem. According to WIPO, in 2012, trademark holders filed a record 2,884 cybersquatting cases covering 5,084 Internet domain names with WIPO alone, and WIPO panels found evidence of cybersquatting in 91% of all decided cases. (See http://www.wipo.int/pressroom/en/articles/2013/article_0007.html). In addition, consumer trust has been eroded by unauthorized and inaccurate sources of information. Finally, during times of severe weather conditions, quick and accurate access to weather-related information is imperative, but it may not be simple for a user to find such information on demand. Whether or not the registry space is free from inaccurate or malicious information could, in fact, have life or

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death consequences for those seeking the information. Protecting this domain space from abusers is the very definition of a public interest.

Since the .WEATHER TLD would be securely restricted to only TWC, its affiliates, and its trusted partners, such as governments, who are known to TWC and bound by an appropriate agreement, the result would be that these types of fraud would be virtually non-existent in the .WEATHER TLD, which would benefit consumers and businesses generally, including TWC's competitors. Additionally, TWC's intention to (1) reserve the names and trademarks of known competitors from registration in .WEATHER and (2) implement additional rights protection mechanisms that will allow trademark owners, including competitors, to challenge domain names initially reserved or allocated by TWC, will ensure minimal or no consumer confusion in the namespace. TWC's intended protection mechanisms will also ensure that trademark owners' rights generally, and TWC's competitors' rights specifically, will have protection in the .WEATHER TLD. As such, the secure restrictions TWC intends to utilize for .WEATHER are clearly both appropriate for the risks associated with the string and also in the public interest.

Exhibit A

The Weather Channel, LLC
 Trademark Status Report
 For the Registrations for the Marks
 WEATHER and WEATHER.COM
 May 2, 2013

Jurisdiction	Mark	Status	Serial No Filing Date	Reg. No. Reg. Date	Owner	Class/Description
Denmark	WEATHER	Registered	VA201103172 Nov 3, 2011	VR201102933 Nov 24, 2011	The Weather Channel, LLC	18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery. 25 Clothing, footwear, headgear. 35 Advertising; business management; business administration; office functions. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.
Djibouti	WEATHER	Registered	45011RADM Nov 9, 2011	45011RADM Nov 9, 2011	The Weather Channel, LLC	09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus. 35 Advertising; business management; business administration; office functions. 38 Telecommunications. 41 Education; providing of training; entertainment; sporting and cultural activities. 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.
European Union	WEATHER.COM	Registered	1526987 Feb 25, 2000	1526987 Jul 26, 2002	The Weather Channel, LLC	16 Bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks. 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travel bags; umbrellas, parasols and walking sticks; whips, harness and saddlery. 25 Clothing, footwear, headgear.

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Lebanon	WEATHER	Registered	10550 Dec 12, 2011	139713 Dec 19, 2011	The Weather Channel, LLC	<p>09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.</p> <p>35 Advertising; business management; business administration; office functions.</p> <p>38 Telecommunications.</p> <p>41 Education; providing of training; entertainment; sporting and cultural activities.</p> <p>42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.</p> <p>45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.</p>
Lebanon	WEATHER.COM	Registered	10543 Dec 12, 2011	140204 Jan 12, 2012	The Weather Channel, LLC	<p>09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.</p> <p>35 Advertising; business management; business administration; office functions.</p> <p>38 Telecommunications.</p> <p>41 Education; providing of training; entertainment; sporting and cultural activities.</p> <p>42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.</p> <p>45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.</p>

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Morocco	WEATHER	Registered	141276 Nov 29, 2011	141276 Nov 29, 2011	The Weather Channel, LLC	<p>09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; software applications; downloadable audio and video recordings; game software; downloadable game programs; DVDs; CD ROMs; downloadable software in the nature of mobile applications for use in distribution of a wide variety of information; scientific instruments.</p> <p>35 Advertising; business management; business administration; office functions; promoting public safety awareness; preparing, placing and disseminating advertising for others via television, cable, broadcast, satellite, telephone, broadband, the internet, mobile, telematics, radio, electronic mail, gaming devices/consoles, and wired and wireless electronic media; business consulting services in the field of financial planning; consulting services in the field of business management.</p> <p>38 Telecommunications; broadcasting services; transmission services; telecommunications services.</p> <p>41 Education; providing of training; entertainment; sporting and cultural activities; production of television programs; educational and entertainment services; entertainment in the nature of on-going television programming, gaming, and web-based programming; providing on-line electronic informational publications</p> <p>42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; on-line publications.</p> <p>45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals; social networking services provided to others.</p>

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Jurisdiction	Mark	Status	Serial No Filing Date	Reg. No. Reg. Date	Owner	Class/Description
Morocco	WEATHER.COM	Registered	141277 Nov 29, 2011	141277 Nov 29, 2011	The Weather Channel, LLC	<p>09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; software applications; downloadable audio and video recordings; game software; downloadable game programs; DVDs; CD ROMs; downloadable software in the nature of mobile applications for use in distribution of a wide variety of information; scientific instruments.</p> <p>35 Advertising; business management; business administration; office functions; promoting public safety awareness; preparing, placing and disseminating advertising for others via television, cable, broadcast, satellite, telephone, broadband, the internet, mobile, telematics, radio, electronic mail, gaming devices/consoles, and wired and wireless electronic media; business consulting services in the field of financial planning; consulting services in the field of business management.</p> <p>38 Telecommunications; broadcasting services; transmission services; telecommunications services.</p> <p>41 Education; providing of training; entertainment; sporting and cultural activities; production of television programs; educational and entertainment services; entertainment in the nature of on-going television programming, gaming, and web-based programming; providing on-line electronic informational publications</p> <p>42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software; on-line publications.</p> <p>45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals; social networking services provided to others.</p>
Norway	WEATHER	Registered	201113195 Nov 18, 2011	265524 May 22, 2012	The Weather Channel, LLC	<p>18 Animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.</p> <p>35 Preparing, placing and disseminating advertising for others via television, cable, broadcast, satellite, telephone, broadband, the internet, mobile, telematics, radio, electronic mail, gaming devices/consoles, and wired and wireless electronic media; business consulting services in the field of financial planning; consulting services in the field of business management.</p> <p>45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.</p>

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Jurisdiction	Mark	Status	Serial No Filing Date	Reg. No. Reg. Date	Owner	Class/Description
Norway	WEATHER.COM	Registered	201113197 Nov 18, 2011	265525 May 22, 2012	The Weather Channel, LLC	18 Animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery. 35 Preparing, placing and disseminating advertising for others via television, cable, broadcast, satellite, telephone, broadband, the internet, mobile, telematics, radio, electronic mail, gaming devices/consoles, and wired and wireless electronic media; business consulting services in the field of financial planning; consulting services in the field of business management. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.
OAPI	WEATHER	Registered	3 2011 02799 Nov 10, 2011	69511 May 31, 2012	The Weather Channel, LLC	09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; software applications; downloadable audio and video recordings; game software; downloadable game programs; DVDs; CD ROMs; downloadable software in the nature of mobile applications for use in distribution of a wide variety of information; scientific instruments.
OAPI	WEATHER	Registered	3 2011 02800 Nov 11, 2011	71960 Nov 30, 2012	The Weather Channel, LLC	35 Advertising; business management; business administration; office functions. 38 Telecommunications. 41 Education; providing of training; entertainment; sporting and cultural activities. 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

The Weather Channel, LLC
 Trademark Status Report
 For the Registrations for the Marks
 WEATHER and WEATHER.COM
 May 2, 2013

Jurisdiction	Mark	Status	Serial No Filing Date	Reg. No. Reg. Date	Owner	Class/Description
OAPI	WEATHER.COM	Registered	3 2011 02801 Nov 10, 2011	69512 May 31, 2012	The Weather Channel, LLC	09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus; software applications; downloadable audio and video recordings; game software; downloadable game programs; DVDs; CD ROMs; downloadable software in the nature of mobile applications for use in distribution of a wide variety of information; scientific instruments.
OAPI	WEATHER.COM	Registered	3 2001 0 2802 Nov 11, 2011	71961 Nov 30, 2012	The Weather Channel, LLC	35 Advertising; business management; business administration; office functions. 38 Telecommunications. 41 Education; providing of training; entertainment; sporting and cultural activities. 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.
Spain	WEATHER	Registered	3004510MX Nov 3, 2011	3004510 Apr 16, 2012	The Weather Channel, LLC	09 Apparatuses and scientific instruments, nautical, surveying, photographic, cinematographic, optical, than weighing, than metering, signalling, checking (supervision), than life-saving and for teaching; apparatus and instruments driving, distribution, transformation, gathering, regulation or control of electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash tills, calculating machines, data processing equipment and computers; fire-extinguishing apparatus. 35 Publicity; commercial business management; commercial administration; office works. 38 Telecommunications. 41 Education; and training services; services for entertainment; sporting and cultural activities. 42 Scientific services and technological, research services and design in these fields; analysis services and industrial research; designing and development of equipment computer and software. 45 Legal services; services for security for protection of property and people; personal services and social rendered by third parties for satisfying individual needs.

The Weather Channel, LLC
 Trademark Status Report
 For the Registrations for the Marks
 WEATHER and WEATHER.COM
 May 2, 2013

Jurisdiction	Mark	Status	Serial No Filing Date	Reg. No. Reg. Date	Owner	Class/Description
Spain	WEATHER.COM	Registered	3004508 Nov 3, 2011	3004508 Apr 16, 2012	The Weather Channel, LLC	09 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus. 35 Advertising; business management; business administration; office functions. 38 Telecommunications. 41 Education; providing of training; entertainment; sporting and cultural activities. 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software. 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.
United States	WEATHER.COM	Registered	76701065 Jan 4, 2010	3927183 Mar 8, 2011	The Weather Channel, LLC	09 Meteorological instruments; instruments for providing weather forecasts and alerts, namely, thermometers, temperature monitors, humidity monitors, air pressure monitors, wind monitors, and rain monitors.
United States	WEATHER.COM	Registered	75786703 Aug 27, 1999	2443945 Apr 17, 2001	The Weather Channel, LLC	18 Umbrellas, travel bags.
United States	WEATHER.COM	Registered	75786704 Aug 27, 1999	2584278 Jun 25, 2002	The Weather Channel, LLC	25 Clothing, namely, shirts.
United States	WEATHER.COM	Registered	75786706 Aug 27, 1999	2682132 Feb 4, 2003	The Weather Channel, LLC	35 Preparing, placing and disseminating advertisements for others via an on-line electronic communications network; promoting the sale of goods and services of others through the distribution of printed material and through conducting promotional contest and sweepstakes.
United States	WEATHER.COM	Registered	75786708 Aug 27, 1999	2699088 Mar 25, 2003	The Weather Channel, LLC	42 On-line publications in the nature of reports, directories, brochures, reference materials, newsletters, newspapers, booklets, in the fields of meteorology, climatology, health and recreation.

DENMARK



Kongeriget Danmark

VR 2011 02933

Ovennævnte varemærke er registreret i det danske varemærkeregister.

Registreringens omfang fremgår af vedhæftede registerudskrift. Registreringen gælder i 10 år fra registreringsdatoen.

The above-mentioned trade mark is registered in the Danish Register of Trade Marks.

The extent of the registration appears on the attached extract. The registration is valid for 10 years from the date of registration.

7. december 2011

Patent- og Varemærkestyrelsen
Økonomi- og Erhvervsministeriet

Jesper Kongstad
Direktør

Registerudskrift
(Extract of Register)

(111) : VR 2011 02933 (151) : 24. november 2011
(210) : VA 2011 03172 (220) : 3. november 2011

(180) : 24. november 2021

(730) : The Weather Channel, LLC
300 Interstate North Parkway
Atlanta
US- Georgia 30339
USA

(740/750) : Sandel, Løje & Partnere
Øster Allé 42, 6.
Postbox 812
2100 København Ø
Danmark

(540) : WEATHER

(511) : Klasse 18: Læder og læderimitationer samt varer fremstillet af disse materialer (ikke indeholdt i andre klasser), skind og huder, kufferter og rejsetasker, paraplyer, parasoller og spadserestokke, piske og sadelmagervarer.

Klasse 25: Beklædningsgenstande, fodtøj og hovedbeklædning.

Klasse 35: Annonce- og reklamevirksomhed, bistand ved forretningsledelse, bistand ved forretningsadministration, bistand ved varetagelse af kontoropgaver.

Klasse 45: Juridisk bistand; sikkerhedsmæssige ydelser til beskyttelse af ejendom og mennesker, personlige og sociale ydelser udøvet af andre for at efterkomme individuelle behov.

Udskrift slut
(End of Extract)

INID-koder

Internationally agreed Numbers for the Identification of Data (INID) Internationalt vedtagne Numre til Identifikation af Data (INID)

(100)	Date of termination of the procedure regarding registration	Dato for registreringsprocedurens afslutning.
(111)	Registration number	Registreringsnummer
(141)	Date of termination of the registration of the Mark	Dato for udslettelse af registreringen
(151)	Registration date	Registreringsdato
(180)	Date of expected expiration of the registration/renewal	Dato for registrerings-/fornyelsesperiodens udløb
(210)	Application number	Ansøgningsnummer
(220)	Application filing date	Ansøgningsdato
(230)	Exhibition filing data	Udstillingsprioritetsoplysninger
(300)	Data relating to priority under the Paris Convention	Prioritetsoplysninger
(390)	Data relating to the registration in the country of origin	Hjemlandsregistrering
(442)	Date of publication of the application	Bekendtgørelsesdato
(450)	Date of publication of the registration	Offentliggørelsesdato
(500)	Various information	Bemærkninger
(511)	Class or classes (and list of goods/services)	Vare eller tjenesteydelsesklasser (og liste over varer/tjenesteydelser)
(540)	Reproduction of the mark	Varemærket
(551)	Indication of the effect that the mark is a collective mark, a certification mark or a quarantine mark	Fællesmærkeoplysninger
(580)	Date of recording of amendment/change	Dato for notering af tilførsel
(591)	Information concerning colors claimed	Farvetekst
(641)	Number(s) and date(s) of other legally related applications	Data vedrørende delte/udskilte ansøgninger
(646)	Number(s) and date(s) of other legally related registrations	Data vedrørende delte/udskilte registreringer
(730)	Name and address of the applicant/holder of the registration	Indehaveroplysninger
(740)	Name and address of the representative/Corresponding address	Fuldmægtigoplysninger/korrespondanceadresse
(750)	Data concerning license	Licensoplysninger

Domestic Codes for the Identification of Data

Interne koder til identifikation af data

(DC)	Date of shelving/withdrawal	Henlæggelses/tilbagetagelsesdato
(DP)	Data concerning pawning	Pantstætningsoplysninger
(DU)	Data concerning garnishment	Oplysninger vedrørende udlæg
(CVR)	Data of holders CVR-number	indehavers CVR-nummer

Where there is only an indication of the class number (511), the application or registration covers all goods or services within the class in question. Hvor der alene er angivet klassenummer (511), omfatter ansøgningen eller registreringen alle varer eller tjenesteydelser i den pågældende klasse

Where the class number in the case of code (511)/(510) is followed by a ":", the application or registration covers only the goods or services specifically mentioned. Hvor klassenummeret efter kode (511)(510) efterfølges af et ":", omfatter ansøgningen eller registreringen kun de særligt nævnte varer eller tjenesteydelser

Where (540) the "Reproduction of the Mark" is followed by "<w>", the application or registration concerns a word Mark. Hvor (540) "Varemærket" efterfølges af "<w>", angår ansøgningen eller registreringen et ordmærke.

Where (540) the "Reproduction of the Mark" is followed by "<fig>", the trade mark involves non-standard letters and/or figurative elements. Hvor (540) "Varemærket" efterfølges af "<fig>", er der i varemærket figurelementer og/eller bogstaver med særlig skrifttype.

DJIBOUTI

GREFFE DU TRIBUNAL
DE PREMIERE INSTANCE DE DJIBOUTI

N° 450/111 R.A.D.M.

Du 9 novembre 2011

ACTE DE DEPOT

L'an deux mille onze
et le neuf novembre

Par devant Nous, OUDO ALOITA HARED, Greffier en Chef
du Tribunal de Première Instance de DJIBOUTI

En notre Greffe, au Palais de Justice de cette ville,

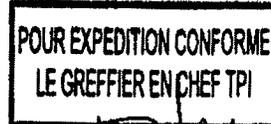
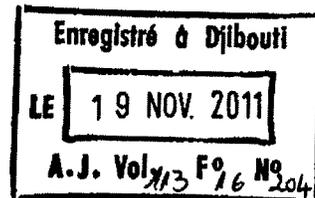
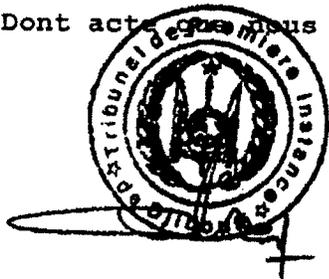
A COMPARU

Me Alain MARTINET, Avocat,
Domicilié à DJIBOUTI, Haramous, B.P. 169

Lequel nous a remis, pour rester déposés au rang des minutes de
cette juridiction, à la date de ce jour:

- 3 exemplaires de demande d'enregistrement de la marque nominative " WEATHER " en classes 9, 35, 38, 41, 42 et 45 au nom de la société THE WEATHER CHANNEL, LLC, société américaine à responsabilité limitée organisée et existant sous les lois de l'Etat de Géorgie, dont l'adresse est 300 Interstate North Parkway, Atlanta, Georgia 30339, Etats-Unis d'Amérique;
- 3 exemplaires du pouvoir donné le 4 novembre 2011 à Me Alain MARTINET par le signataire autorisé de la société THE WEATHER CHANNEL, LLC, société américaine propriétaire de la marque;
- 10 vignettes de la marque.

Dont acte, que nous avons signé avec le comparant après lecture.



A. Martinet

Extrait des Minutes de la Cour Judiciaire

GREFFE DU TRIBUNAL DE PREMIERE INSTANCE DE DJIBOUTI

BP 12 DJIBOUTI - REPUBLIQUE DE DJIBOUTI

MARQUE DE FABRIQUE, DE COMMERCE OU DE SERVICE

loi du 31 décembre 1964 / loi n°50/AN/09/6^{ème}L du 19 juillet 2009

DEMANDE D'ENREGISTREMENT

<p>N° de dépôt: <u>450/111 RADM</u></p> <p>Date du dépôt: <u>9 novembre 2011</u></p> <p>Enregistré à Djibouti le: <u>19 novembre 2011</u></p> <p>sous N°: <u>AJ Vol. 113 F° 16 N° 205</u></p>	<p>1 NOM ET ADRESSE DU DEPOSANT OU DU MANDATAIRE A QUI LA CORRESPONDANCE DOIT ETRE ADRESSEE</p> <p>Maître Alain MARTINET Avocat B.P. 169 DJIBOUTI tél : 253.352 879</p> <p>Enregistré à Djibouti LE 19 NOV. 2011</p>
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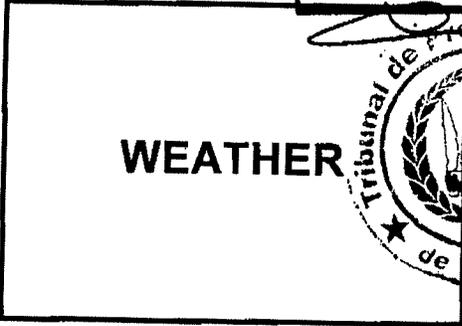
2 DEPOSANT

THE WEATHER CHANNEL, LLC, société américaine à responsabilité limitée organisée et existant sous les lois de l'Etat de Géorgie, dont l'adresse est 300 Interstate North Parkway, Atlanta, Georgia 30339, Etats-Unis d'Amérique.

A.J. Vol. 113 F° 16 N° 205

3 MODELE DE LA MARQUE

POUR EXPEDITION CONFORME
LE GREFFIER EN CHEF (PI)



5 PRODUITS ET SERVICES DESIGNES :

Classe	Description
9	Classe 9 : Appareils et instruments scientifiques, nautiques, géodésiques, photographiques, cinématographiques, optiques, de pesage, de mesure, de signalisation, de contrôle (inspection), de secours (sauvetage) et d'enseignement; appareils et instruments pour la conduite, la distribution, la transformation, l'alimentation, le réglage ou la commande du courant électrique; appareils pour l'enregistrement, la transmission, la reproduction du son ou des images; supports d'enregistrement magnétiques, disques acoustiques; distributeurs automatiques et mécanismes pour appareils à prépaiement; caisses enregistreuses, machines à calculer, équipement pour le traitement de l'information et les ordinateurs; extincteurs.
35	Classe 35 : Publicité; gestion des affaires commerciales; administration commerciale; travaux de bureau.
38	Classe 38 : Télécommunications.
41	Classe 41 : Éducation; formation; divertissement; activités sportives et culturelles.
42	Classe 42 : Services scientifiques et technologiques ainsi que services de recherches et de conception y relatifs; services d'analyses et de recherches industrielles; conception et développement d'ordinateurs et de logiciels.
45	Classe 45 : Services juridiques; services de sécurité pour la protection des biens et des individus; services personnels et sociaux rendus par des tiers destinés à satisfaire les besoins des individus.

4 DESCRIPTION DE LA MARQUE ET REVENDECATIONS

Marque nominative "WEATHER".

7 DATE ET SIGNATURE DU DEPOSANT OU DE SON MANDATAIRE

9 novembre 2011

A. Martinet

Extrait des Minutes de la Cour Judiciaire

WEATHER	WEATHER



EUROPEAN UNION

OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET	TRADE MARKS AND DESIENS
OAMI - OFICINA DE ARMONIZACIÓN DEL MERCADO INTERIOR	MARCAS, DIBUJOS Y MODELOS

**CERTIFICATE
OF REGISTRATION**

This Certificate of Registration is hereby issued for the Community trade mark identified below. The corresponding entries have been recorded in the Register of Community Trade Marks.

**CERTIFICADO
DE REGISTRO**

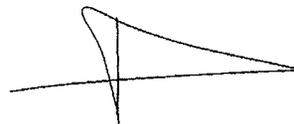
Se expide el presente certificado de registro para la marca comunitaria que se identifica a continuación. Las menciones y las informaciones relativas a tal marca han sido inscritas en el Registro de marcas comunitarias.

N° 001526987

WEATHER.COM

Registered/Registrada, 26/07/2002

The President/El Presidente



Wubbo de Boer

- 450 02/09/2002
- 210 001526987
- 220 25/02/2000
- 180 25/02/2010
- 442 28/01/2002
- 541
- 732
THE WEATHER CHANNEL, INC.
300 Interstate North Parkway
Atlanta, Georgia 30339
US
- 740 KILPATRICK STOCKTON
68 Pall Mall
London SW1Y 5ES
GB
- 270 EN ES
- 511 ES - 16 - Artículos de encuadernación; fotografías; papelería; adhesivos (pegamentos) para la papelería o la casa; material para artistas; pinceles; máquinas de escribir y artículos de oficina (excepto muebles); materias plásticas para embalaje (no comprendidas en otras clases); naipes; caracteres de imprenta; clichés.
- ES - 18 - Cuero e imitaciones de cuero, productos de estas materias no comprendidos en otras clases; pieles de animales; baúles y maletas; paraguas, sombrillas y bastones; fustas; jaeques y guarnicionería.
- ES - 25 - Vestidos, calzados, sombrerería.
- DA - 16 - Bogbinderartikler; fotografier; papirhandlevare; klæbemidler til papirvarer og til husholdningsbrug; artikler til brug for kunstnere; pensler; skrivemaskiner og kontorartikler (dog ikke møbler); plasticmateriale til emballeringsbrug (ikke indeholdt i andre klasser); spillekort; tryktyper; klicheer.

DA - 18 - Læder og læderimitationer samt varer fremstillet af disse materialer og ikke indeholdt i andre klasser; skind og hudet; kuffertter og rejsetaske; paraplyer, parasoller og spadserestokke; piske og sadelmagervarer.

DA - 25 - Beklædningsgenstande, fodtøj og hovedbeklædning.

DE - 16 - Buchbinderartikel; Fotografien; Schreibwaren; Klebstoffe für Papier- und Schreibwaren oder für Haushaltszwecke; Künstlerbedarfartikel; Pinsel; Schreibmaschinen- und Büroartikel (ausgenommen Möbel); Verpackungsmaterial aus Kunststoff, soweit es nicht in anderen Klassen enthalten ist; Spielkarten; Drucklettern; Druckstöcke.

DE - 18 - Leder und Lederimitationen sowie Waren daraus, soweit sie nicht in anderen Klassen enthalten sind; Häute und Felle; Reise- und Handkoffer; Regenschirme, Sonnenschirme und Spazierstöcke; Peitschen, Pferdegeschirre und Sattlerwaren.

DE - 25 - Bekleidungsstücke, Schuhwaren, Kopfbedeckungen.

EL - 16 - Υλικό βιβλιοδεσίας· φωτογραφίες· χαρτικά είδη· κόλλες για χαρτικά ή οικιακές χρήσεις· υλικά για καλλιτέχνες· χρωστικές (πινέλα)· γραφομηχανές και είδη γραφείου (εκτός των επίπλων)· πλαστικά υλικά συσκευασίας (μη περιλαμβανόμενα σε άλλες κλάσεις)· παιχνιδοχαρτα· τυπογραφικά στοιχεία· στερεότυπα (κλισέ).

EL - 18 - Δέρμα και απομμήσεις δέρματος, είδη από αυτά τα υλικά μη περιλαμβανόμενα σε άλλες κλάσεις· δέρματα ζώων, τομάρια· κιβώτια ταξιδιού και βαλίτσες· ομπρέλες, αλεξήλια και ράβδοι περιπάτου· μαστίγια, ιπποσκευές και είδη σελλοποιίας.

EL - 25 - Ενδύματα, υποδήματα και είδη πλοποιίας.

EN - 16 - Bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); plastic materials for packaging (not included in other classes); playing cards; printers' type; printing blocks.

EN - 1 B - Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas, parasols and walking sticks; whips, harness and saddlery.

EN - 25 - Clothing, footwear, headgear.

FR - 1 6 - Articles pour reliures; photographies; papeterie; adhésifs (matières collantes) pour la papeterie ou le ménage; matériel pour les artistes; pinceaux; machines à écrire et articles de bureau (à l'exception des meubles); matières plastiques pour l'emballage (non comprises dans d'autres classes); cartes à jouer; caractères d'imprimerie; clichés.

FR - 1 B - Cuir et imitations du cuir, produits en ces matières non compris dans d'autres classes; peaux d'animaux; malles et valises; parapluies, parasols et cannes; fouets et sellerie.

FR - 25 - Vêtements, chaussures, chapellerie.

IT - 1 6 - Articoli per legatoria; fotografie; cartoleria; adesivi (materie collanti) per la cartoleria o per uso domestico; materiale per artisti; pennelli; macchine da scrivere e articoli per ufficio (esclusi i mobili); materie plastiche per l'imballaggio (non comprese in altre classi); carte da gioco; caratteri tipografici; cliché.

IT - 1 B - Cuoio e sue imitazioni, articoli in queste materie non compresi in altre classi; pelli di animali; bauli e valigie; ombrelli, ombrelloni e bastoni da passeggio; fruste e articoli di selleria.

IT - 25 - Articoli di abbigliamento, scarpe, cappelleria.

NL - 1 6 - Boekbinderswaren; foto's; schrijfbehoeften; kleefstoffen voor kantoorgebruik of voor de huishouding; materiaal voor kunstenaars; penselen; schrijfmachines en kantoortikelen (uitgezonderd meubelen); plastic materialen voor verpakking, voor zover niet begrepen in andere klassen; speelkaarten; drukletters; clichés.

NL - 1 B - Leder en kunstleder en hieruit vervaardigde producten voor zover niet begrepen in andere klassen; dierenhuiden; reiskoffers en koffers; paraplu's, parasols en wandelstokken; zwepen en zadelmakerswaren.

NL - 25 - Kledingstukken, schoeisel, hoofddekseis.

PT - 1 6 - Artigos para encadernação; fotografias; papelaria; adesivos (matérias colantes) para papelaria ou para uso doméstico; material para artistas; pincéis; máquinas de escrever e artigos de escritório (com excepção dos móveis); matérias plásticas para a embalagem (não incluídas noutras classes); cartas de jogar; caracteres de imprensa; clichés (estereótipos).

PT - 1 B - Couro e imitações de couro, produtos nestas matérias não incluídos noutras classes; peles de animais; malas e maletas de viagem; chapéus-de-chuva, chapéus-de-sol e bengalas; chicotes e selleria.

PT - 25 - Vestuário, calçado e chapellaria.

FI - 1 6 - Kirjasidonta-aineet; valokuvat; paperikappatavara; paperi- ja kotitalousliimat; taitelijantarvikkeet; sivelimet; kirjoituskoneet ja konttoritarvikkeet (paitsi huonekalut); muoviset pakkaustarvikkeet (jotka eivät sisälly muihin luokkiin); pelikortit; painokirjasimet; painolaatat.

FI - 1 B - Nahat ja nahan jäljitelmät ja niistä tehdyt tavarat, jotka eivät sisälly muihin luokkiin; eläinten nahat, vuodat; matka-arkut ja -laukut; sateenvarjat, päivävarjat ja kävelykepit; piiskat, valjaat ja satulavarusteet.

FI - 25 - Vaatteet, jalkineet, päähineet.

SV - 1 6 - Bokbinderimaterial; fotografier; pappersvaror (skriv- och kontorsmaterial); klister och lim för pappersvaror och hushållsändamål; konstnärsmaterial; målarpenslar; skrivmaskiner och kontorsförmödenheter (ej möbler); plastmaterial för emballering (ej ingående i andra klasser); spelkort; trycktyper; klicheer.

SV - 1 B - Läder och läderimitationer, samt varor framställda av dessa material och ej ingående i andra klasser; djurhudar och pälskinn; koffertar och resväskor; paraplyer, parasoller och promenadkäppar; piskor, seldom och sadelmakerivaror.

SV - 25 - Kläder, fotbeklädnader, huvudbonader.

OHIM - OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET	TRADE MARKS AND DESIGNS
OAMI - OFICINA DE ARMONIZACIÓN DEL MERCADO INTERIOR	MARCAS, DIBUJOS Y MODELOS

300 US 27/08/1999 75-786702
 US 27/08/1999 75-786703
 US 27/08/1999 75/786704
 US 27/08/1999 75-786705
 US 27/08/1999 75-786706
 US 27/08/1999 75-786707
 US 27/08/1999 75-786708

LEBANON



الجمهورية اللبنانية

وزارة الاقتصاد والتجارة

المديرية العامة للاقتصاد والتجارة
مصلحة حماية الملكية الفكرية

شهادة بتسجيل علامة فارقة

رقم : ١٣٩٧١٣

إن موقع هذه الشهادة، رئيس مصلحة حماية الملكية الفكرية، يثبت بأن شركة أبو غزاله للملكية الفكرية تي.أم.بي. إجنيس ش.م.م مركزها في الصنائع - شارع أنيس طباره، بناية الحلبي، بيروت، لبنان بصفتها وكالة عن شركة ذي وذر تشانل، آل آل سي مركزها في الولايات المتحدة الاميركية، قدمت في هذا اليوم الواقع في ٢٠١١/١٢/١٩ عند الساعة ١٢:٠٠ طلبا لتسجيل علامة فارقة لمدة خمس عشرة سنة، وذلك وفقا لما يلي:

١- وصف ومميزات العلامة الملصق انموذج عنها على شكل  هذه الشهادة: كلمة "وذر" كتبت بأحرف لاتينية "WEATHER".

٢- وجهة استعمال هذه العلامة الفارقة: توضع بجميع القياسات والألوان على: السلع والخدمات الواردة في اللائحة المرفقة (الفئات ٩، ٣٥، ٣٨، ٤١، ٤٢، ٤٥).



وجهة استعمال هذه العلامة: توضع هذه العلامة بجميع القياسات والألوان على:
الفئة ٩: الأجهزة والعدد العلمية، الملاحة والمساحية، أجهزة وأدوات التصوير الفوتوغرافي والسينمائي، الأجهزة والأدوات البصرية، أجهزة وأدوات الوزن، القياس، الإشارة، المراقبة (الإشراف)، الإنقاذ والتعليم؛ أجهزة وأدوات لوصول، فتح، تحويل، تكثيف، تنظيم أو التحكم في الطاقة الكهربائية؛ أجهزة تسجيل، إرسال أو نسخ الصوت أو الصور؛ حاملات بيانات مغناطيسية، أقراص تسجيل؛ ماكينات بيع آلية وآليات للأجهزة التي تعمل بقطع النقد؛ آلات تسجيل النقد، آلات حاسبة، معدات وأجهزة كمبيوتر لمعالجة البيانات؛ أجهزة إخماد النيران.

الفئة ٣٥: خدمات الدعاية والإعلان؛ خدمات إدارة الأعمال؛ خدمات توجيه الأعمال؛ خدمات الوظائف المكتبية.

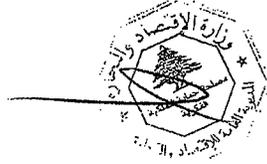
الفئة ٣٨: خدمات الإتصالات.

الفئة ٤١: الخدمات التالية: التعليم والتدريب؛ الترفيه؛ الأنشطة الرياضية والثقافية.

الفئة ٤٢: الخدمات العلمية والتقنية وخدمات البحث والتصميم المتعلقة بها؛ خدمات التحليل والأبحاث الصناعية؛ خدمات تصميم وتطوير عتاد وبرامج الكمبيوتر.

الفئة ٤٥: خدمات قانونية؛ خدمات أمنية لحماية الممتلكات والأفراد؛ خدمات شخصية واجتماعية يقدمها آخرون تلبية لحاجات

الأفراد.



(TRANSLATION)

REPUBLIC OF LEBANON
MINISTRY OF NATIONAL ECONOMY
INTELLECTUAL PROPERTY
PROTECTION OFFICE

CERTIFICATE OF REGISTRATION OF A DISTINCTIVE MARK

No. 139713

The undersigned, Head of the Intellectual Property Protection Office, certifies that **Abu-Ghazaleh Intellectual Property T.M.P. Agents Ltd.**, residing in Sanayeh, Anis Tabbara street, Beirut, Lebanon, and acting for and on behalf of **The Weather Channel, LLC**, whose head office is in the **United States of America**, has filed an application today **December 19, 2011 at 12:00 p.m.** for the registration of a Trademark for a period of **fifteen** years, in accordance with the following:

1. Description and peculiarities of the Trademark of which a specimen is stuck on the back of this certificate
"WEATHER"

2. Method of use of this Trademark: It shall be placed in all sizes and colors in:

Class 9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 35: Advertising; business management; business administration; office functions.

Class 38: Telecommunications.

Class 41: Education; providing of training; entertainment; sporting and cultural activities.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 45: Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Registration abroad: NIL

This certificate has been prepared in accordance with the declarations of the applicant or his agent and under his own responsibility. The Intellectual Property Protection office does not bear any responsibility in this respect.

Beirut on December 19, 2011,

Head of The Intellectual
Property Protection Office
(Seal & signature)

(Applicant's signature)





الجمهورية اللبنانية

وزارة الاقتصاد والتجارة

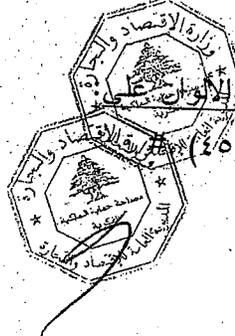
المديرية العامة للاقتصاد والتجارة
مصلحة حماية الملكية الفكرية

شهادة بتسجيل علامة فارقة

رقم: ١٤٠٢٠٤

إن موقع هذه الشهادة، رئيس مصلحة حماية الملكية الفكرية، يثبت بأن شركة أبو غزالة للملكية الفكرية تي ام بي اجنتس (ش.م.م) مركزها في الصنائع، شارع أنيس طباره، بناية الحلبي، بيروت، لبنان بصفتها وكيلة عن شركة ذى وذر تشانل، آل آل سي مركزها في الولايات المتحدة الاميركية، قدمت في هذا اليوم الواقع في ١٢/٠١/٢٠١٢ عند الساعة ١١:١٥ طلبا لتسجيل علامة فارقة لمدة خمس عشرة سنة، وذلك وفقا لما يلي:

١- وصف ومميزات العلامة المُلصق انموزج عنها على ظهر هذه الشهادة:
عبارة "ذر.كوم" كتبت باحرف من الإثنية والألوان على
حماية اذا وردت بمعزل عن العلامة #.



٢- وجهة استعمال هذه العلامة الفارقة: توضع بجميع القياسات و
مواد وخدمات وفقا للائحة المرفقة (الفئات ٩-٣٥-٣٨-٤١-٤٢-٤٥)

اد والتجارة

وجهة استعمال هذه العلامة: توضع هذه العلامة بجميع القياسات والألوان على:
الفئة ٩: الأجهزة والعدد العلمية، الملاحة والمساحية، أجهزة وأدوات التصوير الفوتوغرافي والسينمائي، الأجهزة والأدوات البصرية، أجهزة وأدوات الوزن، القياس، الإشارة، المراقبة (الإشراف)، الإيقاظ والتعليم؛ أجهزة وأدوات لوصول، فتح، تحويل، تكثيف، تنظيم أو التحكم في الطاقة الكهربائية؛ أجهزة تسجيل، إرسال أو نسخ الصوت أو الصور؛ حاملات بيانات مغناطيسية، أقراص تسجيل؛ ماكينات بيع آلية وآليات للأجهزة التي تعمل بقطع النقد؛ آلات تسجيل النقد، آلات حاسبة، معدات وأجهزة كمبيوتر لمعالجة البيانات؛ أجهزة إخماد النيران.

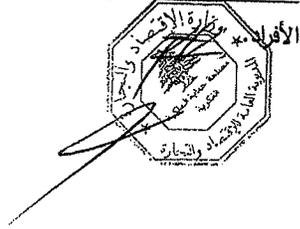
الفئة ٣٥: خدمات الدعاية والإعلان؛ خدمات إدارة الأعمال؛ خدمات توجيه الأعمال؛ خدمات الوظائف المكتبية.

الفئة ٣٨: خدمات الاتصالات عن بعد.

الفئة ٤١: الخدمات التالية: التعليم والتدريب؛ التدريب؛ الترفيه؛ الأنشطة الرياضية والثقافية.

الفئة ٤٢: الخدمات العلمية والتقنية وخدمات البحث والتصميم المتعلقة بها؛ خدمات التحليل والأبحاث الصناعية؛ خدمات تصميم وتطوير عتاد وبرامج الكمبيوتر.

الفئة ٤٥: خدمات قانونية؛ خدمات أمنية لحماية الممتلكات والأفراد؛ خدمات شخصية واجتماعية يقدمها آخرون تلبية لحاجات



(TRANSLATION)

REPUBLIC OF LEBANON
MINISTRY OF NATIONAL ECONOMY
INTELLECTUAL PROPERTY
PROTECTION OFFICE

CERTIFICATE OF REGISTRATION OF A DISTINCTIVE MARK

No. 140204

The undersigned, Head of the Intellectual Property Protection Office, certifies that **Abu-Ghazaleh Intellectual Property T.M.P. Agents Ltd.**, residing in Sanayeh, Anis Tabbara street, Beirut, Lebanon, and acting for and on behalf of **The Weather Channel, LLC**, whose head office is in the **United States of America**, has filed an application today **January 12, 2012 at 11:15 a.m.** for the registration of a Trademark for a period of **fifteen** years, in accordance with the following:

1. Description and peculiarities of the Trademark of which a specimen is stuck on the back of this certificate **"WEATHER.COM"**

2. Method of use of this Trademark: It shall be placed in all sizes and colors in:

Class 9: Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

Class 35: Advertising; business management; business administration; office functions.

Class 38: Telecommunications.

Class 41: Education; providing of training; entertainment; sporting and cultural activities.

Class 42: Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 45: Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Registration abroad: NIL

This certificate has been prepared in accordance with the declarations of the applicant or his agent and under his own responsibility. The Intellectual Property Protection office does not bear any responsibility in this respect.

Beirut on January 12, 2012,

Head of The Intellectual
Property Protection Office
(Seal & signature)

(Applicant's signature)



MOROCCO



**CERTIFICAT D'ENREGISTREMENT
MARQUE DE FABRIQUE, DE COMMERCE OU DE SERVICE**

NUMERO D'ENREGISTREMENT: 141276
DATE D'ENREGISTREMENT: 29/11/2011

WEATHER

DEPOSANT(S) :

THE WEATHER CHANNEL, LLC // 300 INTERSTATE NORTH PARKWAY, ATLANTA, GEORGIA 30339
ETATS-UNIS D'AMERIQUE

MANDATAIRE :

ABU-GHAZALEH INTELLECTUAL PROPERTY TMP AGENTS//Espace Porte d'anfa N°3 Rue Bab
Mansour , CASABLANCA

CLASSE(S) :

9, 35, 38, 41, 42, 45;

Casablanca, le 17/04/2012



PROCES - VERBAL MARQUE

N° de dépôt 141276

Date de dépôt: 29/11/2011

Déposant(s):

- THE WEATHER CHANNEL, LLC // 300 INTERSTATE NORTH PARKWAY, ATLANTA, GEORGIA 30339 ,
;ETATS-UNIS D'AMERIQUE

Mandataire:

ABU-GHAZALEH INTELLECTUAL PROPERTY TMP AGENTS// Espace Porte d'anfa N°3 Rue Bab Mansour,
CASABLANCA

Désignation de la marque:

DENOMINATIVE

Elements verbaux de la marque:

WEATHER

Classe(s):

9, 35, 38, 41, 42, 45;

Pièces jointes à la demande :

- formulaire de dépôt de marque
- film
- pouvoir du mandataire
- 4 reproductions noir et blanc
- Justificatif de l'acquittement des droits exigibles N°:18104/10-2011, d'une somme de : 1560(DH)

Casablanca, le 18/04/2012



CLASSE(S)	PRODUIT(S) ET SERVICE(S) DESIGNÉ(S)
9	"APPAREILS ET INSTRUMENTS SCIENTIFIQUES, NAUTIQUES, GÉODÉSQUES, PHOTOGRAPHIQUES, CINÉMATOGRAPHIQUES, OPTIQUES, DE PESAGE, DE MESURAGE, DE SIGNALISATION, DE CONTRÔLE (INSPECTION), DE SECOURS (SAUVETAGE) ET D'ENSEIGNEMENT; APPAREILS ET INSTRUMENTS POUR LA CONDUITE, LA DISTRIBUTION, LA TRANSFORMATION, L'ACCUMULATION, LE RÉGLAGE OU LA COMMANDE DU COURANT ÉLECTRIQUE; APPAREILS POUR L'ENREGISTREMENT, LA TRANSMISSION, LA REPRODUCTION DU SON OU DES IMAGES; SUPPORTS D'ENREGISTREMENT MAGNÉTIQUES, DISQUES ACOUSTIQUES DISTRIBUTEURS AUTOMATIQUES ET MÉCANISMES POUR APPAREILS À PRÉPARATION; CAISSES ENREGISTREUSES, MACHINES À CALCULER, ÉQUIPEMENT POUR LE TRAITEMENT DE L'INFORMATION ET LES ORDINATEURS; EXTINCTEURS, APPLICATIONS DE LOGICIELS; ENREGISTREMENTS TÉLCHARGEABLES AUDIO ET VIDÉO; LOGICIELS DE JEU; PROGRAMMES DE JEU TÉLCHARGEABLES; DVDS; CD ROMS; LOGICIELS TÉLCHARGEABLES SOUS FORME D'APPLICATIONS MOBILES À USAGE DANS LA DISTRIBUTION D'UNE LARGE VARIÉTÉ D'INFORMATION; INSTRUMENTS SCIENTIFIQUES."
35	"PUBLICITÉ; GESTION DES AFFAIRES COMMERCIALES; ADMINISTRATION COMMERCIALE; TRAVAUX DE BUREAU; PROMOUVOIR LE SENSIBILISATION À LA SÉCURITÉ PUBLIQUE, PRÉPARATION, MISE EN PLACE ET DIFFUSION DE LA PUBLICITÉ POUR TIERS PAR TÉLÉVISION, CÂBLE, DIFFUSION, SATELLITE, TÉLÉPHONE, ADSL, INTERNET, MOBILES, TÉLÉMATIQUE, RADIO, COURRIER ÉLECTRONIQUE, APPAREILS DE JEUX / CONSOLES, ET MÉDIAS ÉLECTRONIQUES AVEC FIL ET SANS FIL; SERVICES D'AFFAIRES DE CONSEIL DANS LE DOMAINE DE PLANIFICATION FINANCIER, SERVICES DE CONSEIL DANS LE DOMAINE DE LA GESTION D'ENTREPRISES."
38	"TÉLÉCOMMUNICATIONS; SERVICES DE DIFFUSION; SERVICES DE TRANSMISSION; SERVICE DE TÉLÉCOMMUNICATION."
41	"ÉDUCATION; FORMATION; DIVERTISSEMENT; ACTIVITÉS SPORTIVES ET CULTURELLES; PRODUCTION DE PROGRAMMES TÉLÉVISÉS; SERVICES ÉDUCATIFS ET DE DIVERTISSEMENT; DIVERTISSEMENT SOUS FORME DE PROGRAMMES TÉLÉVISÉS EN COURS, JEUX, ET PROGRAMMES BASÉS SUR LE WEB, MISE À DISPOSITION DE PUBLICATION ÉLECTRONIQUES D'INFORMATION EN LIGNE; PUBLICATION EN LIGNE."
42	"SERVICES SCIENTIFIQUES ET TECHNOLOGIQUES AINSI QUE SERVICES DE RECHERCHES ET DE CONCEPTION Y RELATIFS; SERVICES D'ANALYSES ET DE RECHERCHES INDUSTRIELLES; CONCEPTION ET DÉVELOPPEMENT D'ORDINATEURS ET DE LOGICIELS."
45	"SERVICES JURIDIQUES; SERVICES DE SÉCURITÉ POUR LA PROTECTION DES BIENS ET DES INDIVIDUS; SERVICES PERSONNELS ET SOCIAUX RENDUS PAR DES TIERS DESTINÉS À SATISFAIRE LES BESOINS DES INDIVIDUS; SERVICES DE RÉSEAUTAGE SOCIAL FOURNIS POUR TIERS."

ROYAUME DU MAROC

OFFICE MAROCAIN DE LA PROPRIETE
INDUSTRIELLE ET COMMERCIALE



المملكة المغربية
المكتب المغربي
للملكية الصناعية والتجارية

CERTIFICAT D'ENREGISTREMENT
MARQUE DE FABRIQUE, DE COMMERCE OU DE SERVICE

NUMERO D'ENREGISTREMENT: 141277
DATE D'ENREGISTREMENT: 29/11/2011

WEATHER.COM

DEPOSANT(S) :

THE WEATHER CHANNEL, LLC // 300 INTERSTATE NORTH PARKWAY, ATLANTA, GEORGIA 30339
ETATS-UNIS D'AMERIQUE

MANDATAIRE :

ABU-GHAZALEH INTELLECTUAL PROPERTY TMP AGENTS//Espace Porte d'anfa N°3 Rue Bab
Mansour , CASABLANCA

CLASSE(S) :

9, 35, 38, 41, 42, 45;

Casablanca, le 17/04/2012



PROCES - VERBAL MARQUE

N° de dépôt **141277**

Date de dépôt: **29/11/2011**

Déposant(s):

- THE WEATHER CHANNEL, LLC // 300 INTERSTATE NORTH PARKWAY, ATLANTA, GEORGIA 30339 ,
;ETATS-UNIS D'AMERIQUE

Mandataire:

ABU-GHAZALEH INTELLECTUAL PROPERTY TMP AGENTS// Espace Porte d'ana N°3 Rue Bab Mansour,
CASABLANCA

Désignation de la marque:

DENOMINATIVE

Elements verbaux de la marque:

WEATHER.COM

Classe(s):

9, 35, 38, 41, 42, 45;

Pièces jointes à la demande :

- formulaire de dépôt de marque
- film
- pouvoir du mandataire
- 4 reproductions noir et blanc
- Justificatif de l'acquiescement des droits exigibles N°:18104/10-2011, d'une somme de : 1560(DH)

Casablanca, le 18/04/2012



CLASSE(S)	PRODUIT(S) ET SERVICE(S) DESIGNÉ(S)
9	"APPAREILS ET INSTRUMENTS SCIENTIFIQUES, NAUTIQUES, GÉODÉSQUES, PHOTOGRAPHIQUES, CINÉMATOGRAPHIQUES, OPTIQUES, DE PESAGE, DE MESURAGE, DE SIGNALISATION, DE CONTRÔLE (INSPECTION), DE SECOURS (SAUVETAGE) ET D'ENSEIGNEMENT; APPAREILS ET INSTRUMENTS POUR LA CONDUITE, LA DISTRIBUTION, LA TRANSFORMATION, L'ACCUMULATION, LE RÉGLAGE OU LA COMMANDE DU COURANT ÉLECTRIQUE; APPAREILS POUR L'ENREGISTREMENT, LA TRANSMISSION, LA REPRODUCTION DU SON OU DES IMAGES; SUPPORTS D'ENREGISTREMENT MAGNÉTIQUES, DISQUES ACOUSTIQUES DISTRIBUTEURS AUTOMATIQUES ET MÉCANISMES POUR APPAREILS À PRÉPARATION; CAISSES ENREGISTREUSES, MACHINES À CALCULER, ÉQUIPEMENT POUR LE TRAITEMENT DE L'INFORMATION ET LES ORDINATEURS; EXTINGUEURS, APPLICATIONS DE LOGICIELS; ENREGISTREMENTS TÉLCHARGEABLES AUDIO ET VIDÉO; LOGICIELS DE JEU; PROGRAMMES DE JEU TÉLCHARGEABLES; DVDS; CD ROMS; LOGICIELS TÉLCHARGEABLES SOUS FORME D'APPLICATIONS MOBILES À USAGE DANS LA DISTRIBUTION D'UNE LARGE VARIÉTÉ D'INFORMATION; INSTRUMENTS SCIENTIFIQUES."
35	"PUBLICITÉ; GESTION DES AFFAIRES COMMERCIALES; ADMINISTRATION COMMERCIALE; TRAVAUX DE BUREAU; PROMOUVOIR LE SENSIBILISATION À LA SÉCURITÉ PUBLIQUE, PRÉPARATION, MISE EN PLACE ET DIFFUSION DE LA PUBLICITÉ POUR TIERS PAR TÉLÉVISION, CÂBLE, DIFFUSION, SATELLITE, TÉLÉPHONE, ADSL, INTERNET, MOBILES, TÉLÉMATIQUE, RADIO, COURRIER ÉLECTRONIQUE, APPAREILS DE JEUX / CONSOLES, ET MÉDIAS ÉLECTRONIQUES AVEC FIL ET SANS FIL; SERVICES D'AFFAIRES DE CONSEIL DANS LE DOMAINE DE PLANIFICATION FINANCIER, SERVICES DE CONSEIL DANS LE DOMAINE DE LA GESTION D'ENTREPRISES."
38	"TÉLÉCOMMUNICATIONS; SERVICES DE DIFFUSION; SERVICES DE TRANSMISSION; SERVICE DE TÉLÉCOMMUNICATION."
41	"ÉDUCATION; FORMATION; DIVERTISSEMENT; ACTIVITÉS SPORTIVES ET CULTURELLES; PRODUCTION DE PROGRAMMES TÉLÉVISÉS; SERVICES ÉDUCATIFS ET DE DIVERTISSEMENT; DIVERTISSEMENT SOUS FORME DE PROGRAMMES TÉLÉVISÉS EN COURS, JEUX, ET PROGRAMMES BASÉS SUR LE WEB, MISE À DISPOSITION DE PUBLICATION ÉLECTRONIQUES D'INFORMATION EN LIGNE; PUBLICATION EN LIGNE."
42	"SERVICES SCIENTIFIQUES ET TECHNOLOGIQUES AINSI QUE SERVICES DE RECHERCHES ET DE CONCEPTION Y RELATIFS; SERVICES D'ANALYSES ET DE RECHERCHES INDUSTRIELLES; CONCEPTION ET DÉVELOPPEMENT D'ORDINATEURS ET DE LOGICIELS"
45	"SERVICES JURIDIQUES; SERVICES DE SÉCURITÉ POUR LA PROTECTION DES BIENS ET DES INDIVIDUS; SERVICES PERSONNELS ET SOCIAUX RENDUS PAR DES TIERS DESTINÉS À SATISFAIRE LES BESOINS DES INDIVIDUS; SERVICES DE RÉSEAUTAGE SOCIAL FOURNIS POUR TIERS."

NORWAY



KONGERIKET NORGE
THE KINGDOM OF NORWAY

REGISTRERINGSBREV

CERTIFICATE OF REGISTRATION

Varemerkereg.nr.: 265524
Registered Trademark No.

Deres varemerke er registrert i henhold til varemerkeloven av 1. juli 2010 med de opplysningene som er angitt i den vedlagte utskriften.

The enclosed trademark has been registered with the Norwegian Industrial Property Office in accordance with the Trademarks Act of July 1, 2010.

Toril Foss

Toril Marie Foss
direktør

patent varemerke design
Patentstyret 

REGISTRERTE OPPLYSNINGER (REGISTERED DATA)

(111) **Reg.nr.:** 265524
(151) **Reg.dato.:** 2012.05.22
(180) **Registreringen utløper:** 2021.11.18
(210) **Søknadsnr.:** 201113195
(220) **Inndato:** 2011.11.18
(540) **Gjengivelse av merket:**
WEATHER

(541) **Merketype:**
Merket er et ordmerke i standard font

(731) **Søker:**
The Weather Channel LLC, 300 Interstate North Parkway, US-GA30339
ATLANTA, USA

(732) **Innehaver:**
The Weather Channel LLC, 300 Interstate North Parkway, US-GA30339
ATLANTA, USA

(740) **Fullmektig:**
Acapo AS, Postboks 1880 Nordnes, 5817 BERGEN, Norge

(511) **Vare-/ tjenestefortegnelse:**

Klasse 18 Skinn og huder; koffertter og reisevesker; paraplyer, parasoller og spaserstokker, sveper, seletøy og salmakervarer.

Klasse 35 Forberedelse, plassering og spredning av reklame for andre via TV, kabel, kringkasting, satellitt, telefon, bredband, Internet, mobiltelefon, telematikk, radio, elektronisk post, spillapparater og -konsoller, samt trådløse og ikke trådløse elektroniske media; bedriftsøkonomiske konsulenttenester i fagområdet finansiell planlegging; konsulenttenester i fagområdet forretningsledelse.

Klasse 45 Juridiske tenester; sikkerhetstenester for beskyttelse av eiendom og enkeltmennesker; personlige og sosiale tenester utført av andre for å dekke personlige behov.



KONGERIKET NORGE
THE KINGDOM OF NORWAY

REGISTRERINGSBREV
CERTIFICATE OF REGISTRATION

Varemerkereg.nr.: 265525
Registered Trademark No.

Deres varemerke er registrert i henhold til varemerkeloven av 1. juli 2010 med de opplysningene som er angitt i den vedlagte utskriften.

The enclosed trademark has been registered with the Norwegian Industrial Property Office in accordance with the Trademarks Act of July 1, 2010.

Toril Foss

Toril Marie Foss
direktør

patent varemerke design
Patentstyret 

REGISTRERTE OPPLYSNINGER (REGISTERED DATA)

- (111) **Reg.nr.:** 265525
(151) **Reg.dato.:** 2012.05.22
(180) **Registreringen utløper:** 2021.11.18
(210) **Søknadsnr.:** 201113197
(220) **Inndato:** 2011.11.18
(540) **Gjengivelse av merket:**
WEATHER.COM
- (541) **Merketype:**
Merket er et ordmerke i standard font
- (731) **Søker:**
The Weather Channel LLC, 300 Interstate North Parkway, US-GA30339
ATLANTA, USA
- (732) **Innehaver:**
The Weather Channel LLC, 300 Interstate North Parkway, US-GA30339
ATLANTA, USA
- (740) **Fullmektig:**
Acapo AS, Postboks 1880 Nordnes, 5817 BERGEN, Norge
- (511) **Vare-/ tjenestefortegnelse:**
- Klasse 18 Skinn og huder; koffertene og reisevesker; paraplyer, parasoller og spaserstokker, sveper, seletøy og salmakervarer.
- Klasse 35 Forberedelse, plassering og spredning av reklame for andre via TV, kabel, kringkasting, satellitt, telefon, bredband, Internet, mobiltelefon, telematikk, radio, elektronisk post, spillapparater og -konsoller, samt trådløse og ikke trådløse elektroniske media; bedriftsøkonomiske konsulenttenester i fagområdet finansiell planlegging; konsulenttenester i fagområdet forretningsledelse.
- Klasse 45 Juridiske tenester; sikkerhetstenester for beskyttelse av eiendom og enkeltmennesker; personlige og sosiale tenester utført av andre for å dekke personlige behov.

OAPI
(African Intellectual Property Organization)



ARRETE N° 12/1282/OAPI/DG/DGA/DPI/SSD

PORTANT ENREGISTREMENT D'UNE MARQUE

LE DIRECTEUR GENERAL
de l'Organisation Africaine de la Propriété Intellectuelle

- Vu l'Accord portant révision de l'Accord de Bangui du 2 mars 1977 instituant une Organisation Africaine de la Propriété Intellectuelle;
- Vu l'Annexe III dudit Accord, et notamment ses articles 8, 11, 14, 16 et 19;
- Vu le Procès-verbal dressé lors du dépôt de la demande d'enregistrement de la marque;

ARRETE

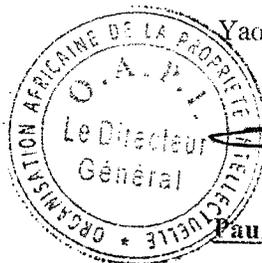
Article 1^{er} : Il est enregistré au nom de :

The Weather Channel, LLC, 300 Interstate North Parkway, ATLANTA, Georgia 30339,
Etats-Unis d'Amérique

la marque N° 69511 déposée le 11 novembre 2011, sous N° 3201102799.

Article 2 : Le présent enregistrement produit ses effets dans chacun des seize Etats membres de l'Organisation, à savoir : Bénin, Burkina Faso, Cameroun, Centrafrique, Congo, Côte d'Ivoire, Gabon, Guinée, Guinée Bissau, Guinée Equatoriale, Mali, Mauritanie, Niger, Sénégal, Tchad, Togo. Il sera publié au Bulletin Officiel N° 02/2012.

Yaoundé, le 31 mai 2012



Paulin EDOU EDOU



DEMANDE D'ENREGISTREMENT D'UNE MARQUE

M301

Le(la) soussigné(e) dépose la présente demande conformément à l'annexe III de l'Accord de Bangui

Cadre réservé à l'Administration Nationale		Cadres réservés à l'OAPI	
PV n° :	Dépôt	Date : 11 NOV 2011	Enregistrement
du	Date :	31 MAI 2012	Date :
fait à	N° :	3201102799	N° :
Pays :	Reçu le :	11 NOV 2011	69511
Visa	Visa		Visa
<input type="checkbox"/> Personne(s) physique(s)		<input checked="" type="checkbox"/> Personne(s) morale(s)	
I Déposant(s) Dénomination(s) ou raison(s) sociale(s) / Nom(s) et prénom(s) The Weather Channel, LLC			
Adresse(s) (Pays) 300 Interstate North Parkway, Atlanta, Georgia 30339, United States of America		Nationalité (Pays) U.S.A.	
N° Fax :		e-mail :	
II Mandataire Dénomination(s) ou raison(s) sociales/ Nom et prénoms: NGWAFOR & Partners Adresse : The Hilton Hotel, Entrance : Business Centre, Second Floor, Suite 208A, 20th May Boulevard, Yaoundé, P.O Box 8211, Yaoundé-Cameroon Tél. : (237) 22 22 84 48 / 22 00 05 82 Fax : (237) 22 22 91 90 e-mail engwafor@ngwaforpartners.com			
III Priorité(s) conventionnelle(s) revendiquée(s)			
Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)	
IV Couleurs revendiquées			

CE FORMULAIRE EST OFFERT PAR L'OAPI ET NE PEUT ETRE VENDU

V Dénomination ou reproduction de la marque (Ne pas dépasser le cadre ci-dessous) 6 9 5 1 1

WEATHER

VI Type de marque Marque de produits Marque de services
(Ne cocher qu'une seule case)

VII Classe(s) revendiquée(s)* Produits ou services correspondants

Class 9

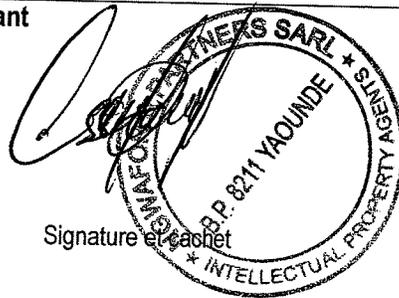
Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

VIII Signature du déposant ou du mandataire, le cas échéant

Nom et qualité du signataire **Celestine NEBA, Cadre**

Fait à Yaoundé

le 11/11/2011



Signature et cachet

* Devant une classe, écrire la liste des produits ou des services correspondants.
Une même demande ne peut porter que sur une seule classe.



ARRETE N° 12/3731/OAPI/DG/DGA/DPI/SSD
PORTANT ENREGISTREMENT D'UNE MARQUE

LE DIRECTEUR GENERAL
de l'Organisation Africaine de la Propriété Intellectuelle

- Vu l'Accord portant révision de l'Accord de Bangui du 2 mars 1977 instituant une Organisation Africaine de la Propriété Intellectuelle;
- Vu l'Annexe III dudit Accord, et notamment ses articles 8, 11, 14, 16 et 19;
- Vu le Procès-verbal dressé lors du dépôt de la demande d'enregistrement de la marque;

ARRETE

Article 1^{er} : Il est enregistré au nom de :

The Weather Channel, LLC, 300 Interstate North Parkway, ATLANTA, Georgia 30339,
Etats-Unis d'Amérique

la marque N° 71960 déposée le 11 novembre 2011, sous N° 3201102800.

Article 2 : Le présent enregistrement produit ses effets dans chacun des seize Etats membres de l'Organisation, à savoir : Bénin, Burkina Faso, Cameroun, Centrafrique, Congo, Côte d'Ivoire, Gabon, Guinée, Guinée Bissau, Guinée Equatoriale, Mali, Mauritanie, Niger, Sénégal, Tchad, Togo. Il sera publié au Bulletin Officiel N° 05/2012.

Yaoundé, le 30 novembre 2012



Paulin EDOU EDOU



3201102800

DEMANDE D'ENREGISTREMENT D'UNE MARQUE

M301

Le(la) soussigné(e) dépose la présente
demande conformément à l'annexe III
de l'Accord de Bangui

Cadre réservé à l'Administration
Nationale

PV n° :

du

fait à

Pays :

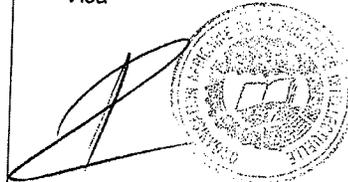
Visa

Cadres réservés à l'OAPI

Dépôt

Date : 17 NOV 2011
N° : 3201102800
Reçu le : 17 NOV 2011

Visa



Enregistrement

Date : 30 NOV 2012
N° : 71960

Visa



I Déposant(s)

Personne(s) physique(s)

Personne(s) morale(s)

Dénomination(s) ou raison(s) sociale(s) / Nom(s) et prénom(s)

The Weather Channel, LLC

Adresse(s) (Pays)

300 Interstate North Parkway, Atlanta,
Georgia 30339, United States of America

Nationalité (Pays)

U.S.A.

N° Téléphone :

N° Fax :

e-mail :

II Mandataire

Dénomination(s) ou raison(s) sociales/ Nom et prénoms : **NGWAFOR & Partners**

Adresse : The Hilton Hotel, Entrance : Business Centre, Second Floor, Suite 208A,
20th May Boulevard, Yaoundé, P.O Box 8211, Yaoundé-Cameroon

Tél. : (237) 22 22 84 48 / 22 00 05 82 Fax : (237) 22 22 91 90 e-mail engwafor@ngwaforpartners.com

III Priorité(s) conventionnelle(s) revendiquée(s)

Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)

IV Couleurs revendiquées

CE FORMULAIRE EST OFFERT PAR L'OAPI ET NE PEUT ETRE VENDU

V Dénomination ou reproduction de la marque (Ne pas dépasser le cadre ci-dessous)

WEATHER

VI Type de marque Marque de produits Marque de services
(Ne cocher qu'une seule case)

VII Classe(s) revendiquée(s)*

Produits ou services correspondants

**Classes 35, 38, 41, 42
and 45**

(See Annexure)

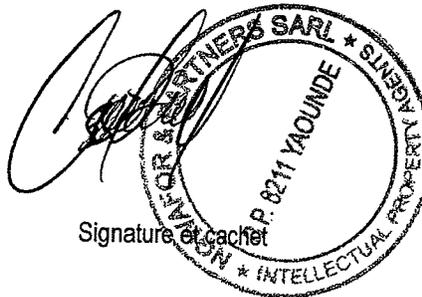


VIII Signature du déposant ou du mandataire, le cas échéant

Nom et qualité du signataire Celestine NEBA, Cadre

Fait à Yaoundé

le 11/11/2011



Signature et cachet

* Devant une classe, écrire la liste des produits ou des services correspondants.
Une même demande ne peut porter à la fois et sur des produits et sur des services.

Annexure

Specification of Goods/Services - Annexure:

Class 35

Advertising; business management; business administration; office functions.

Class 38

Telecommunications.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.





ARRETE N° 12/1283/OAPI/DG/DGA/DPI/SSD

PORTANT ENREGISTREMENT D'UNE MARQUE

LE DIRECTEUR GENERAL
de l'Organisation Africaine de la Propriété Intellectuelle

- Vu l'Accord portant révision de l'Accord de Bangui du 2 mars 1977 instituant une Organisation Africaine de la Propriété Intellectuelle;
- Vu l'Annexe III dudit Accord, et notamment ses articles 8, 11, 14, 16 et 19;
- Vu le Procès-verbal dressé lors du dépôt de la demande d'enregistrement de la marque;

ARRETE

Article 1^{er} : Il est enregistré au nom de :

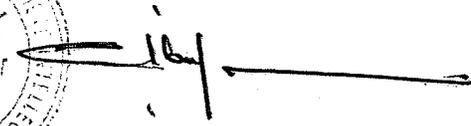
The Weather Channel, LLC, 300 Interstate North Parkway, ATLANTA, Georgia 30339,
Etats-Unis d'Amérique

la marque N° 69512 déposée le 11 novembre 2011, sous N° 3201102801.

Article 2 : Le présent enregistrement produit ses effets dans chacun des seize Etats membres de l'Organisation, à savoir : Bénin, Burkina Faso, Cameroun, Centrafrique, Congo, Côte d'Ivoire, Gabon, Guinée, Guinée Bissau, Guinée Equatoriale, Mali, Mauritanie, Niger, Sénégal, Tchad, Togo. Il sera publié au Bulletin Officiel N° 02/2012.

Yaoundé, le 31 mai 2012



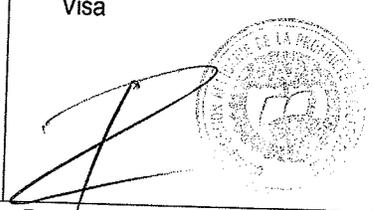

Paulin EDOU EDOU



DEMANDE D'ENREGISTREMENT D'UNE MARQUE

M301

Le(la) soussigné(e) dépose la présente
demande conformément à l'annexe III
de l'Accord de Bangui

Cadres réservés à l'OAPI								
<p>Cadre réservé à l'Administration Nationale</p> <p>PV n° : du fait à Pays : Visa</p>	<p>Dépôt Date : 11 NOV 2011 N° 3201102801 Reçu le : 11 NOV 2011 Visa</p> 	<p>Enregistrement Date : 31 MAI 2012 N° : 69512 Visa</p> 						
<p>I Déposant(s) <input type="checkbox"/> Personne(s) physique(s) <input checked="" type="checkbox"/> Personne(s) morale(s)</p> <p>Dénomination(s) ou raison(s) sociale(s) /Nom(s) et prénom(s)</p> <p>The Weather Channel, LLC</p>								
<p>Adresse(s) (Pays)</p> <p>300 Interstate North Parkway, Atlanta, Georgia 30339, United States of America</p>		<p>Nationalité (Pays)</p> <p>U.S.A.</p>						
<p>N° Fax :</p>		<p>e-mail :</p>						
<p>II Mandataire</p> <p>Dénomination(s) ou raison(s) sociales/ Nom et prénoms: NGWAFOR & Partners</p> <p>Adresse : The Hilton Hotel, Entrance : Business Centre, Second Floor, Suite 208A, 20th May Boulevard, Yaoundé, P.O Box 8211, Yaoundé-Cameroon</p> <p>Tél. : (237) 22 22 84 48 / 22 00 05 82 Fax : (237) 22 22 91 90 e-mail engwafor@ngwaforpartners.com</p>								
<p>III Priorité(s) conventionnelle(s) revendiquée(s)</p> <table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 33%;">Pays d'origine</th> <th style="width: 33%;">Numéro(s) et date(s)</th> <th style="width: 33%;">Au(x) nom(s) de (à préciser)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)			
Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)						
<p>IV Couleurs revendiquées</p>								

CE FORMULAIRE EST OFFERT PAR L'OAPI ET NE PEUT ETRE VENDU

V Dénomination ou reproduction de la marque (Ne pas dépasser le cadre ci-dessous)

69512

WEATHER.COM

VI Type de marque



Marque de produits



Marque de services

(Ne cocher qu'une seule case)

VII Classe(s) revendiquée(s)*

Produits ou services correspondants

Class 9

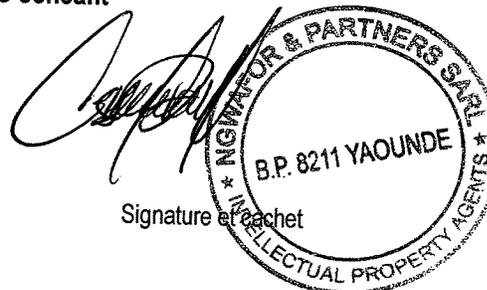
Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus.

VIII Signature du déposant ou du mandataire, le cas échéant

Nom et qualité du signataire **Celestine NEBA, Cadre**

Fait à Yaoundé

le 11/11/2011



* Devant une classe, écrire la liste des produits ou des services correspondants.



ARRETE N° 12/3732/OAPI/DG/DGA/DPI/SSD
PORTANT ENREGISTREMENT D'UNE MARQUE

LE DIRECTEUR GENERAL
de l'Organisation Africaine de la Propriété Intellectuelle

- Vu l'Accord portant révision de l'Accord de Bangui du 2 mars 1977 instituant une Organisation Africaine de la Propriété Intellectuelle;
- Vu l'Annexe III dudit Accord, et notamment ses articles 8, 11, 14, 16 et 19;
- Vu le Procès-verbal dressé lors du dépôt de la demande d'enregistrement de la marque;

ARRETE

Article 1^{er} : Il est enregistré au nom de :

The Weather Channel, LLC, 300 Interstate North Parkway, ATLANTA, Georgia 30339,
Etats-Unis d'Amérique

la marque N° 71961 déposée le 11 novembre 2011, sous N° 3201102802.

Article 2 : Le présent enregistrement produit ses effets dans chacun des seize Etats membres de l'Organisation, à savoir : Bénin, Burkina Faso, Cameroun, Centrafrique, Congo, Côte d'Ivoire, Gabon, Guinée, Guinée Bissau, Guinée Equatoriale, Mali, Mauritanie, Niger, Sénégal, Tchad, Togo. Il sera publié au Bulletin Officiel N° 05/2012.

Yaoundé, le 30 novembre 2012



Paulin EDOU EDOU



DEMANDE D'ENREGISTREMENT D'UNE MARQUE

M301

Le(la) soussigné(e) dépose la présente
demande conformément à l'annexe III
de l'Accord de Bangui

Cadres réservés à l'OAPI								
Cadre réservé à l'Administration Nationale PV n° : du fait à Pays : Visa	Dépôt Date : 11 NOV 2011 N° : 3201102802 Reçu le : 11 NOV 2011 Visa 	Enregistrement Date : 30 NOV 2012 N° : 71961 Visa 						
	I Déposant(s) <input type="checkbox"/> Personne(s) physique(s) <input checked="" type="checkbox"/> Personne(s) morale(s) Dénomination(s) ou raison(s) sociale(s) /Nom(s) et prénom(s) The Weather Channel, LLC Adresse(s) (Pays) 300 Interstate North Parkway, Atlanta, Georgia 30339, United States of America Nationalité (Pays) U.S.A. N° Téléphone : N° Fax : e-mail :							
II Mandataire Dénomination(s) ou raison(s) sociales/ Nom et prénoms: NGWAFOR & Partners Adresse : The Hilton Hotel, Entrance : Business Centre, Second Floor, Suite 208A, 20th May Boulevard, Yaoundé, P.O Box 8211, Yaoundé-Cameroon Tél. : (237) 22 22 84 48 / 22 00 05 82 Fax : (237) 22 22 91 90 e-mail engwafor@ngwaforpartners.com								
III Priorité(s) conventionnelle(s) revendiquée(s) <table border="1"> <thead> <tr> <th>Pays d'origine</th> <th>Numéro(s) et date(s)</th> <th>Au(x) nom(s) de (à préciser)</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>			Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)			
Pays d'origine	Numéro(s) et date(s)	Au(x) nom(s) de (à préciser)						
IV Couleurs revendiquées								

CE FORMULAIRE EST OFFERT PAR L'OAPI ET NE PEUT ETRE VENDU

V Dénomination ou reproduction de la marque (Ne pas dépasser le cadre ci-dessous)

WEATHER.COM

VI Type de marque Marque de produits Marque de services
(Ne cocher qu'une seule case)

VII Classe(s) revendiquée(s)*

Produits ou services correspondants

**Classes 35, 38, 41, 42
and 45**

(See Annexure)

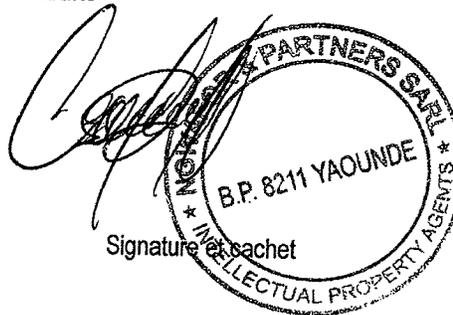


VIII Signature du déposant ou du mandataire, le cas échéant

Nom et qualité du signataire **Celestine NEBA, Cadre**

Fait à Yaoundé

le 11/11/2011



Signature et cachet

* Devant une classe, écrire la liste des produits ou des services correspondants.
Une même demande ne peut porter à la fois et sur des produits et sur des services.

Annexure

Specification of Goods/Services - Annexure:

Class 35

Advertising; business management; business administration; office functions.

Class 38

Telecommunications.

Class 41

Education; providing of training; entertainment; sporting and cultural activities.

Class 42

Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.

Class 45

Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.





SPAIN



TÍTULO DE REGISTRO DE MARCA

Cumplidas las disposiciones establecidas en la vigente Ley 17/2001, de 7 de diciembre, de Marcas, se expide el presente título de registro de la marca que más abajo se identifica.

Conforme a la citada Ley de Marcas, el registro de la marca, confiere a su titular el derecho exclusivo a utilizarla en el tráfico económico. El registro ha quedado otorgado, sin perjuicio de tercero, por diez años, contados desde la fecha de presentación de la solicitud, y podrá renovarse indefinidamente por periodos ulteriores de diez años. De no efectuarse la renovación en la forma y plazos previstos legalmente, el registro de la marca será caducado.

Marca N° 3.004.510

TITULAR DE LA MARCA: **THE WEATHER CHANNEL, LLC**

DISTINTIVO

WEATHER

TIPO DISTINTIVO: **DENOMINATIVO**

COLORES REIVINDICADOS

DESCRIPCIÓN Y/O INDICACIÓN DE ELEMENTOS NO REIVINDICADOS EN EXCLUSIVA:

FECHA PRESENTACIÓN SOLICITUD 3 de noviembre de 2.011	FECHA CONCESIÓN REGISTRO: 16 de abril de 2.012	PRIORIDADES REIVINDICADAS: PAÍS, NÚMERO, SOLICITUD, FECHA
MARCA ESPAÑOLA POR TRANSFORMACIÓN		
FECHA PRESENTACIÓN EN OFICINA DE ORIGEN	MODALIDAD MARCA DE ORIGEN Y NÚMERO:	
FECHA ANTIGÜEDAD REIVINDICADA:	ANTIGÜEDAD DE LA MARCA ESPAÑOLA N°:	



Oficina Española
de Patentes y Marcas

Marca Nº. 3.004.510

CLASE	PRODUCTOS O SERVICIOS PROTEGIDOS:
09	APARATOS E INSTRUMENTOS CIENTIFICOS, NAUTICOS, GEODESICOS, FOTOGRAFICOS, CINEMATOGRAFICOS, OPTICOS, DE PESAJE, DE MEDICION, DE SEÑALIZACION, DE CONTROL (INSPECCION), DE SALVAMENTO Y DE ENSEÑANZA; APARATOS E INSTRUMENTOS DE CONDUCCION, DISTRIBUCION, TRANSFORMACION, ACUMULACION, REGULACION O CONTROL DE LA ELECTRICIDAD; APARATOS DE GRABACION, TRANSMISION O REPRODUCCION DE SONIDO O IMAGENES; SOPORTES DE REGISTRO MAGNETICOS, DISCOS ACUSTICOS; DISTRIBUIDORES AUTOMATICOS Y MECANISMOS PARA APARATOS DE PREVIO PAGO; CAJAS REGISTRADORAS, MAQUINAS DE CALCULAR, EQUIPOS DE PROCESAMIENTO DE DATOS Y ORDENADORES; EXTINTORES.
35	PUBLICIDAD; GESTION DE NEGOCIOS COMERCIALES; ADMINISTRACION COMERCIAL; TRABAJOS DE OFICINA.
38	TELECOMUNICACIONES.
41	EDUCACION; FORMACION; SERVICIOS DE ENTRETENIMIENTO; ACTIVIDADES DEPORTIVAS Y CULTURALES.
42	SERVICIOS CIENTIFICOS Y TECNOLOGICOS, ASI COMO SERVICIOS DE INVESTIGACION Y DISEÑO EN ESTOS AMBITOS; SERVICIOS DE ANALISIS E INVESTIGACION INDUSTRIALES; DISEÑO Y DESARROLLO DE EQUIPOS INFORMATICOS Y DE SOFTWARE.
45	SERVICIOS JURIDICOS; SERVICIOS DE SEGURIDAD PARA LA PROTECCION DE BIENES Y PERSONAS; SERVICIOS PERSONALES Y SOCIALES PRESTADOS POR TERCEROS PARA SATISFACER NECESIDADES INDIVIDUALES.

El presente Título, consta de: 2 páginas

Madrid, 3 de mayo de 2012
El Director del Departamento
de Signos Distintivos





TÍTULO DE REGISTRO DE MARCA

Cumplidas las disposiciones establecidas en la vigente Ley 17/2001, de 7 de diciembre, de Marcas, se expide el presente título de registro de la marca que más abajo se identifica.

Conforme a la citada Ley de Marcas, el registro de la marca, confiere a su titular el derecho exclusivo a utilizarla en el tráfico económico. El registro ha quedado otorgado, sin perjuicio de tercero, por diez años, contados desde la fecha de presentación de la solicitud, y podrá renovarse indefinidamente por periodos ulteriores de diez años. De no efectuarse la renovación en la forma y plazos previstos legalmente, el registro de la marca será caducado.

Marca N° 3.004.508

TITULAR DE LA MARCA: **THE WEATHER CHANNEL, LLC**

DISTINTIVO

WEATHER.COM

TIPO DISTINTIVO: **DENOMINATIVO**

COLORES REIVINDICADOS

DESCRIPCIÓN Y/O INDICACIÓN DE ELEMENTOS NO REIVINDICADOS EN EXCLUSIVA:

FECHA PRESENTACIÓN SOLICITUD
3 de noviembre de 2.011

FECHA CONCESIÓN REGISTRO:
16 de abril de 2.012

PRIORIDADES REIVINDICADAS: PAÍS, NÚMERO, SOLICITUD, FECHA

MARCA ESPAÑOLA POR TRANSFORMACIÓN

FECHA PRESENTACIÓN EN OFICINA DE ORIGEN

MODALIDAD MARCA DE ORIGEN Y NÚMERO:

FECHA ANTIGÜEDAD REIVINDICADA:

ANTIGÜEDAD DE LA MARCA ESPAÑOLA N°:



Oficina Española
de Patentes y Marcas

Marca Nº. 3.004.508

CLASE	PRODUCTOS O SERVICIOS PROTEGIDOS:
09	APARATOS E INSTRUMENTOS CIENTIFICOS, NAUTICOS, GEODESICOS, FOTOGRAFICOS, CINEMATOGRAFICOS, OPTICOS, DE PESAJE, DE MEDICION, DE SEÑALIZACION, DE CONTROL (INSECCION), DE SALVAMENTO Y DE ENSEÑANZA; APARATOS E INSTRUMENTOS DE CONDUCCION, DISTRIBUCION, TRANSFORMACION, ACUMULACION, REGULACION O CONTROL DE LA ELECTRICIDAD; APARATOS DE GRABACION, TRANSMISION O REPRODUCCION DE SONIDO O IMAGENES; SOPORTES DE REGISTRO MAGNETICOS, DISCOS ACUSTICOS; DISTRIBUIDORES AUTOMATICOS Y MECANISMOS PARA APARATOS DE PREVIO PAGO; CAJAS REGISTRADORAS, MAQUINAS DE CALCULAR, EQUIPOS DE PROCESAMIENTO DE DATOS Y ORDENADORES; EXTINTORES.
35	PUBLICIDAD; GESTION DE NEGOCIOS COMERCIALES; ADMINISTRACION COMERCIAL; TRABAJOS DE OFICINA.
38	TELECOMUNICACIONES.
41	EDUCACION; FORMACION; SERVICIOS DE ENTRETENIMIENTO; ACTIVIDADES DEPORTIVAS Y CULTURALES.
42	SERVICIOS CIENTIFICOS Y TECNOLOGICOS, ASI COMO SERVICIOS DE INVESTIGACION Y DISEÑO EN ESTOS AMBITOS; SERVICIOS DE ANALISIS E INVESTIGACION INDUSTRIALES; DISEÑO Y DESARROLLO DE EQUIPOS INFORMATICOS Y DE SOFTWARE.
45	SERVICIOS JURIDICOS; SERVICIOS DE SEGURIDAD PARA LA PROTECCION DE BIENES Y PERSONAS; SERVICIOS PERSONALES Y SOCIALES PRESTADOS POR TERCEROS PARA SATISFACER NECESIDADES INDIVIDUALES.

El presente Título, consta de: 2 páginas

Madrid, 3 de mayo de 2012
El Director del departamento
de Signos Distintivos



UNITED STATES

United States of America

United States Patent and Trademark Office

WEATHER.COM

Reg. No. 3,927,183

THE WEATHER CHANNEL, INC. (GEORGIA CORPORATION)
300 INTERSTATE NORTH PARKWAY
ATLANTA, GA 30339

Registered Mar. 8, 2011

Int. Cl.: 9

FOR: METEOROLOGICAL INSTRUMENTS; INSTRUMENTS FOR PROVIDING WEATHER FORECASTS AND ALERTS, NAMELY, THERMOMETERS, TEMPERATURE MONITORS, HUMIDITY MONITORS, AIR PRESSURE MONITORS, WIND MONITORS, AND RAIN MONITORS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK

PRINCIPAL REGISTER

FIRST USE 0-0-2002; IN COMMERCE 0-0-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,443,945, 2,699,088 AND OTHERS.

SEC. 2(F).

SER. NO. 76-701,065, FILED 1-4-2010.

YAT SYE, LEE, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

United States Patent and Trademark Office

Reg. No. 2,443,945

Registered Apr. 17, 2001

**TRADEMARK
PRINCIPAL REGISTER**

WEATHER.COM

WEATHER CHANNEL, INC., THE (GEORGIA
CORPORATION)
300 INTERSTATE NORTH PKWY.
ATLANTA, GA 30339

OWNER OF U.S. REG. NOS. 1,471,730, 1,891,039
AND OTHERS.

FOR: UMBRELLAS, TRAVEL BAGS, IN CLASS 18
(U.S. CLS. 1, 2, 3, 22 AND 41).

SER. NO. 75-786,703, FILED 8-27-1999.

FIRST USE 8-1-1998; IN COMMERCE 8-1-1998.

ANGELA M. MICHELI, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 2,584,278

United States Patent and Trademark Office

Registered June 25, 2002

**TRADEMARK
PRINCIPAL REGISTER**

WEATHER.COM

WEATHER CHANNEL, INC., THE (GEORGIA
CORPORATION)
300 INTERSTATE NORTH PKWY.
ATLANTA, GA 30339

OWNER OF U.S. REG. NOS. 1,471,730, 1,891,039
AND OTHERS.

FOR: CLOTHING, NAMELY, SHIRTS, SWEA-
TERS AND PONCHOS, IN CLASS 25 (U.S. CLS. 22
AND 39).

SER. NO. 75-786,704, FILED 8-27-1999.

FIRST USE 8-1-1998; IN COMMERCE 8-1-1998.

SCOTT OSCLICK, EXAMINING ATTORNEY

Int. Cl.: 35

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,682,132

Registered Feb. 4, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

WEATHER.COM

WEATHER CHANNEL, INC., THE (GEORGIA
CORPORATION)
300 INTERSTATE NORTH PKWY.
ATLANTA, GA 30339

FOR: PREPARING, PLACING AND DISSEMI-
NATING ADVERTISEMENTS FOR OTHERS VIA
AN ON-LINE ELECTRONIC COMMUNICATIONS
NETWORK; PROMOTING THE SALE OF GOODS
AND SERVICES OF OTHERS THROUGH THE DIS-
TRIBUTION OF PRINTED MATERIAL AND
THROUGH CONDUCTING PROMOTIONAL CON-
TEST AND SWEEPSTAKES, IN CLASS 35 (U.S. CLS.
100, 101 AND 102).

FIRST USE 3-31-1995; IN COMMERCE 3-31-1995.

OWNER OF U.S. REG. NOS. 1,471,730, 1,891,039
AND OTHERS.

SEC. 2(F).

SER. NO. 75-786,706, FILED 8-27-1999.

SCOTT OSCLICK, EXAMINING ATTORNEY

Int. Cl.: 42

Prior U.S. Cls.: 100 and 101

United States Patent and Trademark Office

Reg. No. 2,699,088

Registered Mar. 25, 2003

**SERVICE MARK
PRINCIPAL REGISTER**

WEATHER.COM

WEATHER CHANNEL, INC., THE (GEORGIA CORPORATION)
300 INTERSTATE NORTH PKWY.
ATLANTA, GA 30339

FOR: ON-LINE PUBLICATIONS IN THE NATURE OF REPORTS, DIRECTORIES, BROCHURES, REFERENCE MATERIALS, LEAFLETS, NEWSLETTERS, NEWSPAPERS, BOOKLETS, PAMPHLETS, POST CARDS, FLYERS, MAGAZINE SUPPLEMENTS TO NEWSPAPERS, MAGAZINES AND TRADE AND PROFESSIONAL BOOKS IN THE FIELDS OF METEOROLOGY, CLIMATOLOGY,

HEALTH AND RECREATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 3-31-1995; IN COMMERCE 3-31-1995.

OWNER OF U.S. REG. NOS. 1,471,730, 1,891,039 AND OTHERS.

SEC. 2(F).

SER. NO. 75-786,708, FILED 8-27-1999.

SCOTT OSICK, EXAMINING ATTORNEY

Exhibit B

The Weather Channel, LLC
Trademark Status Report
For the Domains Containing the Mark Weather
May 10, 2013

Domain	Jurisdiction
weather.com	United States
weather.mobi	Mobile devices
weather.travel	Worldwide Travel Industry
weather.co.at	Austria
weather.co.gg	Bailiwick of Guernsey
weather.co.uk	United Kingdom
weather.co.uz	Uzbekistan
weather.com.ag	Antigua and Barbuda
weather.dm	Dominica
weather.com.ec	Ecuador
weather.com.gy	Guyana
weather.com.kn	Federation of Saint Kitts and Nevis
weather.com.pr	Puerto Rico
weather.com.vc	Saint Vincent and the Grenadines
weather.gl	Greenland
weather.gy	Guyana
weather.kn	Federation of Saint Kitts and Nevis
weather.tv	Tuvalu
weather.uz	Uzbekistan

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

Re: Response to GAC Advice for .DVR (1-2000-89466)

Dear Dr. Crocker and Mr. Chehadé:

Hughes Satellite Systems Corporation¹ and its affiliated entities (collectively “Hughes”)² welcome this opportunity to provide a response to the recent Governmental Advisory Committee (“GAC”) Communique dated 11 April 2013 (“Communique”). Hughes reserves the rights to amend any of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

¹ Hughes is a global satellite services provider, developer of hybrid video delivery technologies, designer and manufacturer of set-top and designer and builder of Slingbox TV streaming device for customers in the United States, United Kingdom and Canada. Hughes, through its affiliates is a market innovator in the provision of satellite television, audio programming, home movie and video game rental services and interactive television services to commercial and residential customers in the United States.

² For purposes of disclosure, Hughes applied for four new gTLD strings: .SLING, .HUGHES, .DVR and .STREAM. Some of Hughes applied-for TLD strings may be affected by this response.

Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
Page 2

Hughes welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Hughes remains committed to strongly considering the recommendations during their implementation of the Hughes applied-for gTLD strings.

I. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN’s reasonable discretion, if Registry Operator demonstrates to ICANN’s reasonable satisfaction that (i) all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDS. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDS PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁴ No evidence supports this claim.⁵ These claims appear to

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

⁴ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

⁵ Leonard, Tom. “Open’ or ‘Closed’ Generic TLDs: Let the Operators Decide.” CircleID Internet Infrastructure. http://www.circleid.com/posts/print/20130307_open_or_closed_generic_tlds_let_the_operators_decide (Last Accessed May 9, 2013).

be based on a review of the existing TLDs, which are open.⁶ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁷ This innovation may further result in significant competitive and consumer benefits.⁸

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.⁹ There is no reason to deter these new business models, as without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹⁰

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹¹ And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹²

B) CLOSED TLDS WILL FOSTER COMPETITION

While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹³ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁴ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁵

⁶ Manne, Geoffrey A, *et al.* “An Error Cost Approach to Competition Issues in Closed gTLDs.” International Center for Law & Economics. [http:// forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf](http://forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf) (Last Accessed May 9, 2013).

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *See* Lenard.

¹⁵ *See* Manne.

Dr. Stephen Crocker and Mr. Fadi Chehadé

May 10, 2013

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Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁶ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁷

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁸ Showing abuse within this market will be challenging, at least in the US, because the Supreme Court has recognized that even a monopoly has a right to profit and this is what incentivizes competitors to enter into the market.¹⁹ The existence of market power is not actionable; only its abuse is and until that occurs, there is no basis for constraining “closed generic” TLDs.²⁰

Some have raised further concerns that under a closed system, consumers may be confused about whether they are dealing with a single private company or the market at large.²¹ However, any deception that arises under this scenario is already under the jurisdiction of the FTC or consumer protection regulators in other countries.²²

The domain name service (“DNS”) space is vast.²³ For any given online resource, there are multiple TLDs, second level domains (SLDs) and third level domains (TLDs) that may be used to access the same resource. For example, .laptop, laptop.com or laptop.seller.com could all point to an individual business that sells laptops to consumer. Consumers using the internet are relatively sophisticated as they are able to navigate amongst 22 gTLDs and 250

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

Dr. Stephen Crocker and Mr. Fadi Chehadé

May 10, 2013

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country code TLDs (“ccTLDs”) to access the resources that they need, for example, gTLDs, such as .aero, .info, .biz, .edu and ccTLDs, such as .me or .us.²⁴ Because the internet consumer is pretty sophisticated, the length of the uniform resource link (“URL”) to access a resource online does not necessarily confer any sort of market power on a competitor. Additionally, as noted above, the idea that closed-name space business models create a monopoly on anything is just wrong and an anachronistic artifacts of the .COM boom 15 years ago, when nearly 90% of the world’s domains were registered under .COM.²⁵ There is no evidence for the claim that market dominance inherently flows from the control of a generic domain name by an applicant who sells products or services that can be described by a generic name.²⁶

In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.²⁷ These policies suggest that “all applicants should be evaluated against transparent and predictable criteria, fully available **before initiation of the process.**”²⁸ (emphasis added). ICANN and the GAC’s attempts to change the criteria for “closed generic” TLD registrations during the process appears to contradict the GNSO’s policies.

While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

C) PRO COMPETITIVE RATIONALE FOR CLOSED TLDS

²⁴ See Applicant Guidebook v. 2012-06-04.

²⁵ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁶ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁷ See Applicant Guidebook v. 2012-06-04.

²⁸ See Summary of ICANN Generic Names Supporting Organisation’s (GNSO’s) Final Report on the Introduction of New Generic Top-Level Domains (gTLDs) and Related Activity.

Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
Page 6

The competitive environment for gTLDs would be further aided by permitting “closed generic” TLDs, because competing companies could purchase thematically similar gTLDs.²⁹ The ability to operate even “closed generic” TLDs, presents the incentive and opportunity for investment (and new avenues of competition) from which the entire ecosystem will benefit.³⁰

Therefore, the chance that a new “closed generic” TLD and/or its sponsor could provide an innovative, heretofore unimagined business model is an important reason for ICANN to approving “closed generic” TLDs.³¹ Such a model could “put direct competitive pressure on established gTLDs or could expand the market in new directions.”³²

D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³³ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁴ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁵

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new

²⁹ See Manne.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

PATTON BOGGS^{LLP}

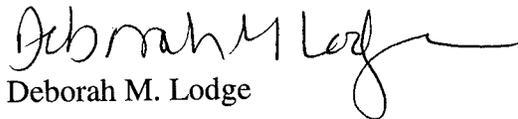
Dr. Stephen Crocker and Mr. Fadi Chehadé

May 10, 2013

Page 7

gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁶

Sincerely,


Deborah M. Lodge

³⁶ See <http://newgtlds.icann.org/en/about/program>.

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, Annex I, and Annex II of the GAC Beijing 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Hughes Satellite Systems Corporation
Application ID	1-2000-89466
Applied for TLD (string)	.DVR

Response:

Please see the attached.

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

**Re: Response to GAC Advice for .MOBILE (1-2012-89566), .MOVIE (1-1920-39242),
.DATA (1-2009-38008) and .PHONE (1-2011-80942)**

Dear Dr. Crocker and Mr. Chehadé:

Dish DBS Corporation¹ and its affiliated entities (collectively “Dish”)² welcome this opportunity to provide a response to the recent Governmental Advisory Committee (“GAC”) Communique dated 11 April 2013 (“Communique”). Dish reserves the rights to amend any

¹ Dish is a market innovator in the provision of satellite television, audio programming, and interactive television services to commercial and residential customers in the United States. Dish, through its affiliates, is a global satellite services provider, developer of hybrid video delivery technologies, provider of home movie and video game rental services by DVD-by-mail, streaming and video-on-demand. With its recent bid for Sprint Nextel Corporation and its commitment to diversifying and updating its technology portfolio, Dish intends over the coming decade, to provide internet, video and telephone services to consumers for both home and mobile applications.

² For purposes of disclosure, Dish applied for thirteen new gTLD strings: .DISH, .MOVIE, .BLOCKBUSTER, .DIRECT, .LATINO, .DATA, .OLLO, .PHONE, .MOBILE, .LOCKER, .OTT, .DOT and .DTV. Some of Dish’s applied-for TLD strings may be affected by this response.

LetterheadFooter

of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

Dish welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the Dish applied-for gTLD strings.

II. CATEGORY 1 – CONSUMER PROTECTION, SENSITIVE STRINGS AND REGULATED MARKETS

Dish welcomes the GAC's recommendations for this category, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the .MOVIE and .DATA TLDs. Further, Dish remains committed to public interest goals that affect the Internet community, including but not limited to addressing consumer concerns about the authenticity of a website, fostering confidence and trust for internet consumers, combatting online infringement of copyright, combatting trademark infringement, combatting cybersquatting, combatting phishing and combatting other fraudulent or criminal acts online. As a result of the above public interest concerns, Dish shall consult with regulatory bodies in the industry, such as the Coalition for Online Accountability (COA)⁴ to identify appropriate regulator entities for the .MOVIE and .DATA TLDs.

III. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i)

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

⁴ COA has drafted a set of policy recommendations that are endorsed by many other international organizations representing the creative industries. See <http://www.onlineaccountability.net/>.

all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDS. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDS PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁵ No evidence supports this claim.⁶ These claims appear to be based on a review of the existing TLDs, which are open.⁷ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁸ This innovation may further result in significant competitive and consumer benefits.⁹

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.¹⁰ There is no reason to deter these new business models, as

⁵ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

⁶ Leonard, Tom. “‘Open’ or ‘Closed’ Generic TLDs: Let the Operators Decide.” CircleID Internet Infrastructure. http://www.circleid.com/posts/print/20130307_open_or_closed_generic_tlds_let_the_operators_decide (Last Accessed May 9, 2013).

⁷ Manne, Geoffrey A, *et al.* “An Error Cost Approach to Competition Issues in Closed gTLDs.” International Center for Law & Economics. [http:// forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf](http://forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf) (Last Accessed May 9, 2013).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹¹

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹² And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹³

B) CLOSED TLDs WILL FOSTER COMPETITION
While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹⁴ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁵ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁶

Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁷ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁸

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁹ Showing abuse within this market will be challenging, at least in the US,

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Lenard.

¹⁶ *See* Manne.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

because the Supreme Court has recognized that even a monopoly has a right to profit and this is what incentivizes competitors to enter into the market.²⁰ The existence of market power is not actionable; only its abuse is and until that occurs, there is no basis for constraining “closed generic” TLDs.²¹

Some have raised further concerns that under a closed system, consumers may be confused about whether they are dealing with a single private company or the market at large.²² However, any deception that arises under this scenario is already under the jurisdiction of the FTC or consumer protection regulators in other countries.²³

The domain name service (“DNS”) space is vast.²⁴ For any given online resource, there are multiple TLDs, second level domains (SLDs) and third level domains (TLDs) that may be used to access the same resource. For example, .laptop, laptop.com or laptop.seller.com could all point to an individual business that sells laptops to consumer. Consumers using the internet are relatively sophisticated as they are able to navigate amongst 22 gTLDs and 250 country code TLDs (“ccTLDs”) to access the resources that they need, for example, gTLDs, such as .aero, .info, .biz, .edu and ccTLDs, such as .me or .us.²⁵ Because the internet consumer is pretty sophisticated, the length of the uniform resource link (“URL”) to access a resource online does not necessarily confer any sort of market power on a competitor. Additionally, as noted above, the idea that closed-name space business models create a monopoly on anything is just wrong and an anachronistic artifacts of the .COM boom 15 years ago, when nearly 90% of the world’s domains were registered under .COM.²⁶ There is no evidence for the claim that market dominance inherently flows from the control of a

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In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.²⁸ These policies suggest that “all applicants should be evaluated against transparent and predictable criteria, fully available **before initiation of the process.**”²⁹ (emphasis added). ICANN and the GAC’s attempts to change the criteria for “closed generic” TLD registrations during the process appears to contradict the GNSO’s policies.

While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

C) PRO COMPETITIVE RATIONALE FOR CLOSED TLDS

The competitive environment for gTLDs would be further aided by permitting “closed generic” TLDs, because competing companies could purchase thematically similar gTLDs.³⁰ The ability to operate even “closed generic” TLDs, presents the incentive and opportunity for investment (and new avenues of competition) from which the entire ecosystem will benefit.³¹

Therefore, the chance that a new “closed generic” TLD and/or its sponsor could provide an innovative, heretofore unimagined business model is an important reason for ICANN to

²⁷ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

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Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
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approving “closed generic” TLDs.³² Such a model could “put direct competitive pressure on established gTLDs or could expand the market in new directions.”³³

D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³⁴ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁵ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁶

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁷

Sincerely,



Deborah M. Lodge

³² *Id.*

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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, Annex I, and Annex II of the GAC Beijing Communique 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Dish DBS Corporation
Application ID	(1-2012-89566), (1-1920-39242), (1-2009-38008), and (1-2011-80942)
Applied for TLD (string)	.MOBILE (1-2012-89566), .MOVIE (1-1920-39242), .DATA (1-2009-38008) and .PHONE (1-2011-80942)

Response:

Please see attached.

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

**Re: Response to GAC Advice for .MOBILE (1-2012-89566), .MOVIE (1-1920-39242),
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LetterheadFooter

of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

Dish welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the Dish applied-for gTLD strings.

II. CATEGORY 1 – CONSUMER PROTECTION, SENSITIVE STRINGS AND REGULATED MARKETS

Dish welcomes the GAC's recommendations for this category, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the .MOVIE and .DATA TLDs. Further, Dish remains committed to public interest goals that affect the Internet community, including but not limited to addressing consumer concerns about the authenticity of a website, fostering confidence and trust for internet consumers, combatting online infringement of copyright, combatting trademark infringement, combatting cybersquatting, combatting phishing and combatting other fraudulent or criminal acts online. As a result of the above public interest concerns, Dish shall consult with regulatory bodies in the industry, such as the Coalition for Online Accountability (COA)⁴ to identify appropriate regulator entities for the .MOVIE and .DATA TLDs.

III. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i)

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

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all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDS. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDS PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁵ No evidence supports this claim.⁶ These claims appear to be based on a review of the existing TLDs, which are open.⁷ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁸ This innovation may further result in significant competitive and consumer benefits.⁹

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.¹⁰ There is no reason to deter these new business models, as

⁵ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

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without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹¹

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹² And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹³

B) CLOSED TLDs WILL FOSTER COMPETITION
While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹⁴ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁵ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁶

Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁷ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁸

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁹ Showing abuse within this market will be challenging, at least in the US,

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Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
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May 10, 2013

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VIA E-MAIL

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Internet Corporation for Assigned Names and
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While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

C) PRO COMPETITIVE RATIONALE FOR CLOSED TLDS

The competitive environment for gTLDs would be further aided by permitting “closed generic” TLDs, because competing companies could purchase thematically similar gTLDs.³⁰ The ability to operate even “closed generic” TLDs, presents the incentive and opportunity for investment (and new avenues of competition) from which the entire ecosystem will benefit.³¹

Therefore, the chance that a new “closed generic” TLD and/or its sponsor could provide an innovative, heretofore unimagined business model is an important reason for ICANN to

²⁷ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁸ See Applicant Guidebook v. 2012-06-04.

²⁹ See Summary of ICANN Generic Names Supporting Organisation’s (GNSO’s) Final Report on the Introduction of New Generic Top- Level Domains (gTLDs) and Related Activity.

³⁰ See Manne.

³¹ *Id.*

Dr. Stephen Crocker and Mr. Fadi Chehadé
May 10, 2013
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approving “closed generic” TLDs.³² Such a model could “put direct competitive pressure on established gTLDs or could expand the market in new directions.”³³

D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³⁴ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁵ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁶

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁷

Sincerely,



Deborah M. Lodge

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See <http://newgtlds.icann.org/en/about/program>.

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, Annex I, and Annex II of the GAC Beijing Communique 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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Dish DBS Corporation
Application ID	(1-2012-89566), (1-1920-39242), (1-2009-38008), and (1-2011-80942)
Applied for TLD (string)	.MOBILE (1-2012-89566), .MOVIE (1-1920-39242), .DATA (1-2009-38008) and .PHONE (1-2011-80942)

Response:

Please see attached.

May 10, 2013

Deborah M. Lodge
202-457-6030
dlodge@pattonboggs.com

VIA E-MAIL

Dr. Stephen Crocker, Chairman of the Board
of ICANN
Mr. Fadi Chehadé, President & CEO
Internet Corporation for Assigned Names and
Numbers (ICANN)
12025 Waterfront Drive, Suite 300
Los Angeles, CA 90094

**Re: Response to GAC Advice for .MOBILE (1-2012-89566), .MOVIE (1-1920-39242),
.DATA (1-2009-38008) and .PHONE (1-2011-80942)**

Dear Dr. Crocker and Mr. Chehadé:

Dish DBS Corporation¹ and its affiliated entities (collectively “Dish”)² welcome this opportunity to provide a response to the recent Governmental Advisory Committee (“GAC”) Communique dated 11 April 2013 (“Communique”). Dish reserves the rights to amend any

¹ Dish is a market innovator in the provision of satellite television, audio programming, and interactive television services to commercial and residential customers in the United States. Dish, through its affiliates, is a global satellite services provider, developer of hybrid video delivery technologies, provider of home movie and video game rental services by DVD-by-mail, streaming and video-on-demand. With its recent bid for Sprint Nextel Corporation and its commitment to diversifying and updating its technology portfolio, Dish intends over the coming decade, to provide internet, video and telephone services to consumers for both home and mobile applications.

² For purposes of disclosure, Dish applied for thirteen new gTLD strings: .DISH, .MOVIE, .BLOCKBUSTER, .DIRECT, .LATINO, .DATA, .OLLO, .PHONE, .MOBILE, .LOCKER, .OTT, .DOT and .DTV. Some of Dish’s applied-for TLD strings may be affected by this response.

LetterheadFooter

of the statements below as a result of changes to the ICANN new generic top level domain (gTLD) program.

I. SAFEGUARDS APPLICABLE TO ALL NEW GTLDS

Dish welcomes the six safeguards³ proposed by the GAC in the Communique, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the Dish applied-for gTLD strings.

II. CATEGORY 1 – CONSUMER PROTECTION, SENSITIVE STRINGS AND REGULATED MARKETS

Dish welcomes the GAC's recommendations for this category, and where those matters are within its control, Dish remains committed to strongly considering the recommendations during their implementation of the .MOVIE and .DATA TLDs. Further, Dish remains committed to public interest goals that affect the Internet community, including but not limited to addressing consumer concerns about the authenticity of a website, fostering confidence and trust for internet consumers, combatting online infringement of copyright, combatting trademark infringement, combatting cybersquatting, combatting phishing and combatting other fraudulent or criminal acts online. As a result of the above public interest concerns, Dish shall consult with regulatory bodies in the industry, such as the Coalition for Online Accountability (COA)⁴ to identify appropriate regulator entities for the .MOVIE and .DATA TLDs.

III. Category II Advice – Restricted Registration Policies – Exclusive Access

The GAC Advice appears to further recommend the creation of additional restrictions for the TLDs that the community has labeled as “closed generic” TLDS. Section 6 of Specification 9 (“Code of Conduct”) in Module 5 (gTLD Agreement”) of the Applicant Guidebook (“AGB”) v. 2012-06-04 provides that:

Registry Operator may request an exemption to this Code of Conduct, and such exemption may be granted by ICANN in ICANN's reasonable discretion, if Registry Operator demonstrates to ICANN's reasonable satisfaction that (i)

³ “WHOIS verification and checks,” “Mitigation abusive activity,” “Security checks,” “Documentation,” “Making and Handling Complaints” and “Consequences.”

⁴ COA has drafted a set of policy recommendations that are endorsed by many other international organizations representing the creative industries. See <http://www.onlineaccountability.net/>.

all domain name registrations in the TLD are registered to, and maintained by, Registry Operator for its own exclusive use, (ii) Registry Operator does not sell, distribute or transfer control or use of any registrations in the TLD to any third party that is not an Affiliate of Registry Operator, and (iii) application of this Code of Conduct to the TLD is not necessary to protect the public interest. (Emphasis added)

An interpretation of Section 6 of the Code of Conduct clearly suggests that ICANN created a single set of criteria for “closed” TLDs that the community has labeled as “closed generics” and “closed brand” TLDS. ICANN should not attempt to stifle innovation by adopting additional criteria for “closed generic” as suggested by the GAC for the following reasons.

A) CLOSED TLDS PRESENT A NEW PARADIGM FOR INTERNET BUSINESS

Some have suggested that if ICANN allows the registration of “closed generic” TLDs to proceed, competition will suffer.⁵ No evidence supports this claim.⁶ These claims appear to be based on a review of the existing TLDs, which are open.⁷ “Closed generic” TLDs, however, represent a change to the *status quo*, which will likely result in innovation and new business opportunities that have not been possible up to this point.⁸ This innovation may further result in significant competitive and consumer benefits.⁹

Some of these new business models will likely rely on a business’s ability to choose between running an open or closed TLD.¹⁰ There is no reason to deter these new business models, as

⁵ See <http://www.icann.org/en/news/announcements/announcement-2-05feb13-en.htm>.

⁶ Leonard, Tom. “‘Open’ or ‘Closed’ Generic TLDs: Let the Operators Decide.” CircleID Internet Infrastructure. http://www.circleid.com/posts/print/20130307_open_or_closed_generic_tlds_let_the_operators_decide (Last Accessed May 9, 2013).

⁷ Manne, Geoffrey A, *et al.* “An Error Cost Approach to Competition Issues in Closed gTLDs.” International Center for Law & Economics. [http:// forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf](http://forum.icann.org/lists/comments-closed-generic.../pdfn146uB1DAF.pdf) (Last Accessed May 9, 2013).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

without the free process of innovation and market discipline, there is very little chance that the full benefits of both open and closed TLDs will be reached.¹¹

Closed generic TLDs essentially do not exist today, so there is no experience to draw on to assess the best way to use them.¹² And ICANN should refrain from stifling innovation by rejection “closed generic” TLDs, as even speculative benefits must be given great weight in assessing optimal policies.¹³

B) CLOSED TLDs WILL FOSTER COMPETITION
While some have argued that “closed generic” TLDs will limit competition, that limitation would occur only within that particular, “closed generic” TLDs.¹⁴ To the extent that ICANN allows synonyms to be used as gTLDs the potential competitive issues become even more remote.¹⁵ The market for TLDs does not present particular competitive risks, and there is no a priori reason for ICANN to intervene prospectively.¹⁶

Some have also suggested that “closed generics” will increase market power held by particular market participants, resulting in abuse and leading to outcomes that hurt competitor and consumers alike.¹⁷ As discussed above, one cannot determine the competitive effects beforehand in a market that has never existed and will not exist until a “closed generic” TLD has been granted by ICANN.¹⁸

If a market can be defined as the use of a particular gTLD, then the market is so small as to be meaningless.¹⁹ Showing abuse within this market will be challenging, at least in the US,

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *See* Lenard.

¹⁶ *See* Manne.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

because the Supreme Court has recognized that even a monopoly has a right to profit and this is what incentivizes competitors to enter into the market.²⁰ The existence of market power is not actionable; only its abuse is and until that occurs, there is no basis for constraining “closed generic” TLDs.²¹

Some have raised further concerns that under a closed system, consumers may be confused about whether they are dealing with a single private company or the market at large.²² However, any deception that arises under this scenario is already under the jurisdiction of the FTC or consumer protection regulators in other countries.²³

The domain name service (“DNS”) space is vast.²⁴ For any given online resource, there are multiple TLDs, second level domains (SLDs) and third level domains (TLDs) that may be used to access the same resource. For example, .laptop, laptop.com or laptop.seller.com could all point to an individual business that sells laptops to consumer. Consumers using the internet are relatively sophisticated as they are able to navigate amongst 22 gTLDs and 250 country code TLDs (“ccTLDs”) to access the resources that they need, for example, gTLDs, such as .aero, .info, .biz, .edu and ccTLDs, such as .me or .us.²⁵ Because the internet consumer is pretty sophisticated, the length of the uniform resource link (“URL”) to access a resource online does not necessarily confer any sort of market power on a competitor. Additionally, as noted above, the idea that closed-name space business models create a monopoly on anything is just wrong and an anachronistic artifacts of the .COM boom 15 years ago, when nearly 90% of the world’s domains were registered under .COM.²⁶ There is no evidence for the claim that market dominance inherently flows from the control of a

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

²⁵ See Applicant Guidebook v. 2012-06-04.

²⁶ See <http://www.internetgovernance.org/2012/09/19/generic-top-level-domains-who-should-own-book/>.

generic domain name by an applicant who sells products or services that can be described by a generic name.²⁷

In October 2007, the Generic Names Supporting Organization (GNSO)—one of the groups that coordinate global Internet policy at ICANN—formally completed its policy development work on new gTLDs and approved a set of 19 policy recommendations.²⁸ These policies suggest that “all applicants should be evaluated against transparent and predictable criteria, fully available **before initiation of the process.**”²⁹ (emphasis added). ICANN and the GAC’s attempts to change the criteria for “closed generic” TLD registrations during the process appears to contradict the GNSO’s policies.

While there may be some risk arising from this, the most likely use of closed domains would be either for further brand or product marketing by their owners, or else the creation of a robust platform aimed at drawing in—not alienating—consumers. In either case, the risk is minimal and the potential benefits substantial. Regardless, it is clear that the costs of closed registration policies have been considered.

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³⁰ See Manne.

³¹ *Id.*

Dr. Stephen Crocker and Mr. Fadi Chehadé
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D) ICANN IS NOT THE BEST FORUM TO DEAL WITH ANTI-COMPETITON ISSUES THAT MAY ARISE FROM CLOSE TLDS

ICANN already has authority to disclose contracts and business arrangements to the competition authorities under 2.9(b) of the gTLD Registry Agreement.³⁴ As noted above, ICANN should simply defer to competition authorities on the issue of closed registration policies because it does not have the expertise or resources to make informed competition policy.³⁵ Moreover, even the GAC lacks the institutional capacity to act in place of the FTC or DOJ or competition authorities in other countries.³⁶

In summary, ICANN’s policies do not ban “closed generic” registrations and ICANN should not retroactively change its policy. Further, ICANN should refrain from creating new criteria for “closed generic” TLDs as there is no evidence that “closed generic” will be anti-competitive. Rather, ICANN should encourage the innovation that the “closed generics” will provide to the market and refer any anti-competitive issues that results to the appropriate competition authorities. Finally, ICANN should comply with its stated objectives for the new gTLD program, “enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction.”³⁷

Sincerely,



Deborah M. Lodge

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ See <http://newgtlds.icann.org/en/about/program>.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Dish DBS Corporation
Application ID	(1-2012-89566), (1-1920-39242), (1-2009-38008), and (1-2011-80942)
Applied for TLD (string)	.MOBILE (1-2012-89566), .MOVIE (1-1920-39242), .DATA (1-2009-38008) and .PHONE (1-2011-80942)

Response:

Please see attached.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	The Medical Registry Limited
Application ID	1-2026-56939
Applied for TLD (string)	.doctor

Response:

The Medical Registry Limited
345 East 81st Street, Suite 5L,
New York NY 10028 US.

Date: 10 May 2013

Application ID: 1-2026-56939

Via ICANN Customer Service Portal

GAC ADVICE RESPONSE FOR .DOCTOR

Dear Sir/Madam,

Applicant Comments on the Beijing GAC Communiqué

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) and those that apply to our application for .doctor under Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets, as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for New gTLDs is

GAC Advice Response Form for Applicants



intended to address applications that are identified by governments to be problematic, e.g., that potentially violate national law or raise sensitivities.”

We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice, which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress. Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional Safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

GAC Advice Response Form for Applicants



3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested “technical analysis”. Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Category 1: Consumer Protection, Sensitive Strings, and Regulated Markets:

The premise of our .doctor application is to provide an industry-specific TLD run by The Medical Registry (MR) and designed for the long-term benefit of the global medical community. The target market for this TLD is medical professions and related medical companies. A prospective registrant will be required to provide evidence of their credentials as a legitimate medical professional or company in order to register a domain name.

The TLD .doctor has been listed in the GAC’s Advice under the categories of Health and Fitness; and Professional Services.

We acknowledge the legitimacy of the GAC’s advice as it pertains to our TLD and we believe that in developing our application we were cognisant of the need for safeguards that we believe are consistent with those identified by the GAC. Accordingly,

We agree to the proposed Category 1 Safeguards outlined in the GAC Advice with some caveats. We therefore provide the following responses:

GAC Advice Response Form for Applicants



1. Acceptable Use Policy

We agree to include in our acceptable use policy wording to the effect of “... registrants comply with all applicable laws, including those that relate to privacy, data collection, disclosure of data and consumer protection.”

We have reservations about agreeing to the remainder of this Safeguard as we believe it reaches beyond the scope of what, we, as a registry operator primarily targeting registrants from the medical industry would be able to do with regard to the operation of the TLD. Therefore we do not agree to include in our acceptable use policy that registrants comply with applicable law relating to: fair lending, debt collection, organic farming, and financial disclosures.

2. Notification of the Acceptable Use Policy

We agree to require registrars at the time of registration to notify registrants of this requirement.

3. Health and financial data

We agree to require our registrants who collect and maintain sensitive health data to implement reasonable and appropriate security measures commensurate with the offering of those services in accordance with applicable law and recognised industry standards.

4. Mitigating risks of fraudulent, and other illegal, activities

We agree to establish working relationship with the relevant medical regulatory and industry bodies and to work collaboratively to develop a strategy to mitigate as much as possible the risks of fraudulent and other illegal activities.

5. Single point of contact

We agree to require the registrant, at the time of registration, to nominate a point of contact that must be kept-up-to-date, to ensure the registrant can be contacted regarding notification of complaints or reports of registration abuse. We also agree that the registrant be required to provide contact details of their relevant medical regulatory or industry body in their place of business.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

GAC Advice Response Form for Applicants



Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:

- Safeguard 2
- Safeguard 5
- Safeguard 6

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

With regard to Safeguards applicable to Category 1 we would be willing to consider wording of the following order:

“Registry Operator will adhere to the following Safeguards applicable to Category 1 as defined by the Governmental Advisory Committee in Annex 1 of its communique dated 11 April 2013:

- Safeguard 1 (as amended)
- Safeguard 2
- Safeguard 3
- Safeguard 4
- Safeguard 5

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Sloan Gaon
For and on behalf of
The Medical Registry Ltd
Date:10th May 2013

Simon Delzoppo
For and on behalf of
The Medical Registry Ltd
Date:10th May 2013



May 10, 2013

Response to the Government Advisory Committee (GAC) Advice Within the Beijing Communiqué issued on April 11, 2013

DotBook, LLC applied to ICANN (Application ID: 1-2029-6966) to operate the .book new generic top level domain (TLD) Registry. We thank ICANN for the opportunity to submit these comments in response to the GAC Advice on safeguards applicable to new generic top-level domain names (gTLDs).

General Comments

DotBook, LLC (“DotBook”) is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

Safeguards Applicable to all New gTLDs

The GAC has advised that six general Safeguards (#1-6) should apply to all new gTLDs and shall be subject to contractual oversight: 1) *WHOIS verification and checks*; 2) *Mitigating abusive activities*; 3) *Security checks*; 4) *Documentation* (of WHOIS records and other reports); 5) *Making and Handling Complaints*; and 6) *Consequences* (for registrants who violated policies).

DotBook wishes to highlight the fact that in its application to ICANN for the .book TLD, we expressly and pro-actively declared our intention to implement a version of each of these six safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, we believe it is inappropriate for the GAC to dictate the specific processes, procedures or requirements for their implementation. As a prospective registry operator for the .book TLD, we have developed our own methodologies within ICANN policy guidelines and best practices for conducting the security checks, maintaining statistical reports and addressing violations of their terms of service.



Therefore, DotBook provisionally agrees with GAC Advice related to these six Safeguards, so long as DotBook is allowed to execute on its specific methodologies and proposed plans for .book as a safe, trusted, and secure top level domain operating in the public interest.

Category 1 Safeguards

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings that:

- *Are linked to regulated or professional sectors that should operate in a way that is consistent with applicable laws*
- *Are likely to invoke a level of implied trust from consumers*
- *Carry higher levels of risk associated with consumer harm*

GAC Suggested Safeguards #1 and #2 (Category 1):

(#1) Registry operators will include in its acceptable use policy that registrants 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 operators will require registrars at the time of registration to notify registrants of this requirement.

As described in our application, DotBook will adopt and enforce registrar and registrant compliance with an *Acceptable Use Policy* that clearly defines the types of activities that will not be permitted for all users of the .book TLD, including those the GAC has broadly identified as being related to misleading or deceptive conduct. In cooperation with such registrars and resellers, all registrants will be notified at the time of registration and will be forced to agree with the terms and conditions set forth in the AUP.

-GAC Suggested Safeguard #3 (Category 1):

Registry operators will require 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 and recognized industry standards.

Although the GAC’s goals and objectives for establishing increased levels of privacy and security for sensitive health and/or financial information are laudable, with respect to these safeguards, the GAC has failed to provide any specifics that would help to determine whether or not any registry operator could conceivably meet such requirements.



For example, the GAC has not clearly defined what “*sensitive health and financial data*” means, what “*services*” the advice actually refers to what “*security measures*” are required, let alone any criteria for which would be used to determine how these might be considered *commensurate with the offering of those services.*” Furthermore, the GAC has failed to specify the applicable laws and recognized industry standards for those services, or how these may apply to the addressable market of registrants that is identified in our application to ICANN for the .book TLD.

GAC Suggested Safeguard #4 (Category 1):

Establish a working relationship with the relevant regulatory, or industry self---regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

For the .book gTLD application, DotBook, LLC has taken great care and extensive efforts over the past three and a half years to craft and refine a set of policies and protections for both registrants and users (e.g. the public) of .book in order to create a safe, trusted, and secure top level domain operating in the public interest. During this time we have formed partnerships with respected industry players who are in a position to help us to accomplish our objectives, including Neustar, Inc.. We are strongly committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

As stated in our application to ICANN for the .book TLD, DotBook will leverage Neustar's comprehensive Information Security infrastructure to apply administrative, technical and physical safeguards for the operation of its .book gTLD. Neustar already has established and on-going cooperation with law enforcement agencies and well-known security organizations throughout the world including the Anti-Phishing Working Group, NSP-SEC, the Registration Infrastructure Safety Group, and others. Aside from these organizations, Neustar also actively participates in privately run security associations whose basis of trust and anonymity makes it much easier to obtain information regarding abusive DNS activity, all of which will be of key input to the operation of the .book TLD.

Furthermore, and as expressed in our application, DotBook will also work in close collaboration with The International Federation of Reproduction Rights Organizations (IFRRO). IFRRO is an independent organization established on the basis of the fundamental international copyright principles embodied in the Berne and Universal Copyright Conventions. Its purpose is to facilitate, on an international basis, the collective management of reproduction and other rights



relevant to copyrighted works through the co-operation of national Reproduction Rights Organizations (RROs) around the world. To accomplish its mission, IFRRO fosters the development of information-exchange systems and effective methods for conveyance of rights and fees among rightsholders and users. IFRRO facilitates co-operation among RROs as well as with and among creators, publishers and their associations.

In the future, we intend to expand our collaboration on .book with other relevant, respected and trusted entities in the global publishing arena. Given the strong relationships already held by our senior executives with industry standards bodies and others in the publishing supply chain, we believe we currently meet or exceed the GAC's suggested requirements for the implementation of this recommended safeguard.

GAC Suggested Safeguard #5 (Category 1):

Registrants must be required by the registry operators to notify to them a single point of contact 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.

As described in our application to ICANN for the .book TLD and answers to Question 28 (Abuse Prevention and Mitigation):

DotBook will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. DotBook will also provide such information to ICANN prior to the delegation of any domain names in the .book TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our back-end registry service provider, Neustar, shall provide an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

Additional Category 1 Safeguards

The GAC Advice also notes that "some strings" may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards as described above.



As a general comment, we believe the GAC Advice related to these additional safeguards is not nearly specific enough, and on many levels seems entirely unworkable in practice. While we believe it is entirely unreasonable for the GAC to impose safeguards which require "pre-validation," following the close of the Sunrise period, we do feel it would be reasonable to require registries to collect specific types of information that would aid in the future investigation of cases of abuse. However, without having a great deal more specifics with respect to the harms being addressed or the requirements being recommended, we do not believe ICANN can fairly consider these as being plausible or feasible solutions for addressing such risks. Furthermore, requiring the implementation of these Safeguards as even broadly proposed would go completely against the GAC's own Principles Regarding New gTLDs, published in March 2007¹ which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

With respect to the GAC's stated concerns and suggested safeguards for strings in the Category of "Intellection Property," we wish to highlight and reinforce those commitments that were made in the DotBook, LLC application to ICANN for the .book TLD – specifically, those that are described in our response to Question #29, sub section 29.2 Safeguards Against Unqualified Registrations.

In our response to Question 29, we explicitly committed to the implementation of numerous safeguards for authors and publishers in order to prevent abusive or unqualified registrations. We explained how our approach to protecting both trademarked and non-trademarked names is necessitated by the fact that many of the most recognizable "brands" in book publishing are the actual titles of books, which for the most part are not subject to trademark protection. Publisher and authors have a tremendous amount of goodwill attached to certain titles that cannot be formally assigned trademark protection.

With respect to GAC Safeguard #7 (cooperation with relevant national supervisory authorities), we explained that to help insure accuracy in our domain registration process during the sunrise phase, DotBook will also work in close collaboration with The International Federation of Reproduction Rights Organizations (IFRRO).

¹ <http://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf>



Category 2 Restricted Registration Policies

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

DotBook, LLC believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace.

Conclusion

At DotBook, LLC, our mission is to establish .book as the most preferred top level domain for global book industry stakeholders and the book consumers that purchase from them. To ensure success for all participants, we believe it is vital that publisher and author registrants be safeguarded from abusive registrations that might be used to promote unauthorized access to copyrighted text and image based works legally assigned to rightsholders.

We believe the numerous safeguards and methodologies that we have proposed are well-positioned to address these concerns, and either meet or exceed those safeguard requirements which were proposed by the GAC in its Advice of April 11, 2013 with respect to New gTLDs.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Washington Team Tennis LLC
Application ID	1-2036-18560
Applied for TLD (string)	.tennis

Response:

Dear ICANN Board:

This letter is submitted on behalf of Washington Team Tennis LLC, an applicant for the .tennis gTLD, in response to the GAC Communiqué issued in Beijing, China on April 11, 2013 covering gTLDs representing generic terms that intend to operate with Restrictive Registration Policies. We agree that the generic terms listed in Category 2 of the Communiqué’s Annex should be “open” to serve the broadest public interest goal possible. Indeed, tennis is a sport played and enjoyed by millions of people around the world, and the worldwide public interest of the global tennis community cannot be properly served by any applicant proposing “exclusive” or otherwise restrictive access policies to a gTLD incorporating such a generic term as “tennis.”

Our application for the .tennis gTLD does not contain any restrictions on access nor any policies making access “closed” to any particular groups, regions or otherwise. To the contrary, our application describes a business strategy of marketing .tennis to the broadest audience possible and providing the broadest access possible to .tennis with the goal of promoting the sport of tennis on a global basis and encouraging any person, whether a teaching pro, club owner, equipment retailer or tennis fan anywhere in the world to use .tennis.

In sum, any application that purports to restrict access to .tennis or otherwise impose “closed” access to .tennis based on geography, affiliations or any other criteria is more consistent with promoting the goals of a private organization rather than serving the public interest. And, more importantly, it would be patently unfair to allow any applicant that proposed restrictive access policies in their application in regard to such a generic term as “tennis” to be allowed to revise their application in response to any GAC Early Warnings or the GAC Communiqué issued in Beijing on April 11, 2013 to correct this fundamental deficiency in their application.

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Thank you for your consideration.

Respectfully submitted,

Mark Ein
On behalf of Washington Team Tennis LLC

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Respondent:

Applicant Name	Wal-Mart Stores, Inc.
Application ID	1-2064-74519
Applied for TLD (string)	.grocery

Response:

Wal-Mart Stores, Inc. takes this opportunity to confirm our commitment to operating the .grocery gTLD in a manner that serves both the public and Walmart’s interests.

Founded in 1962, Walmart services customers and members more than 200 million times per week at more than 10,130 retail units under 69 different banners in 27 countries. Walmart employs more than 2 million associates worldwide, and is a leader in sustainability, corporate philanthropy and employment opportunity.

Walmart is the world’s largest grocer and is seeking approval for the .grocery gTLD in furtherance of Walmart’s core goal of providing a broad assortment of quality merchandise and services at everyday low prices (EDLP). EDLP is Walmart’s pricing philosophy under which we price items at a low price every day so that the public can trust that our prices will not change under frequent promotional activity. This focus drives everything we do at Walmart. And, for the millions of customers who shop in our stores around the world each week, it means they can trust that our brand means we have every day low prices. Walmart’s commitment to providing every day low prices to the public is positively reflected in customer experiences at our stores, and Walmart will extend its longstanding commitment to customer service to the operation of the .grocery gTLD.

Walmart customers want expanded offerings in produce, meat and bakery, and Walmart added more than 100 new fresh items last year, with many more coming this year. The .grocery gTLD will be used by Walmart to provide a range of offerings to the public at every day low prices. The .grocery gTLD will be launched by Walmart in a staged fashion with second level domains being offered initially to only Walmart businesses. By initially dealing only with Walmart businesses, Walmart expects to establish a clean and reliable environment for use and consumer recognition of .grocery domain names while concurrently solidifying plans for

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potential expanded use of the .grocery gTLD. As set forth in more detail in Walmart's application for .grocery, Walmart anticipates evaluating the potential for allowing non-Walmart businesses and business partners to register domain names in the .grocery gTLD for use to display appropriate, safe, and category specific sites.

The staged and cautious rollout of .grocery second-level domains will ensure that all operations within the .grocery gTLD will be conducted in accordance with Walmart's longstanding commitment to our customers. Walmart's proposed operation of the .grocery gTLD will allow for creation of a safe online space for consumers and businesses, free from many of the risks currently associated with conducting business online. ICANN envisioned a wide range of differing business models for the new gTLD program, and the resources that Walmart may direct to .grocery will benefit the entire gTLD and Internet community by ensuring that the .grocery gTLD does not fail. Thus, Walmart's proposed operation of the .grocery gTLD will serve the public interest.

The Governmental Advisory Committee's Beijing Communiqué identifies Walmart's .grocery application as an application seeking exclusive registry access. We are hopeful that the above clarifies the registration policies that Walmart will implement for the .grocery gTLD. We invite further dialogue with the Board if it has any remaining concerns regarding Walmart's .grocery application.

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Vox Populi Registry Inc
Application ID	1-2080-92776
Applied for TLD (string)	sucks

Response:

TO: ICANN Board of Directors
FROM: John Berard, CEO, VoxPopuliRegistry
SUBJECT: Applicant .SUCKS response to GAC Beijing Communiqué
DATE: May 10, 2013

Vox Populi Registry Inc (“VoxPop”) is pleased to provide detailed answers to the GAC Advice contained in the Beijing Communiqué issued on April 11, 2013. This response (attached to this cover note) is structured as follows:

Introduction

This provides a summary of our response

GAC Advise Response Details

This provides a detailed response to each of the 6 universal safeguards, the 5 safeguards applicable to Category 1 strings as well as a response to the specific requirement of GAC Advice directed at the applicants for .SUCKS.

Annex

This provides a copy of our original Response to “Question 28: Abuse Prevention and Mitigation” to demonstrate to the ICANN Board that the measures being requested by the GAC have been inherent in our application since it was first filed.

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It is this last point that is most important to VoxPop. This is now the third time that competing applicants will be given the opportunity to do the right thing which we saw as our responsibility at the start.

As the ICANN Board reviews our submission it will be clear that our application anticipated GAC requirements. We also expect that the ICANN Board will determine that the initial submission (and subsequent PIC submission) of the competing applications for .SUCKS do not and therefore should be disallowed under the rules of adherence to GAC Advice.

Regards
John Berard
CEO, Vox Populi Registry

Vox Populi Registry, Inc. response to GAC Advice contained in the Beijing Communique
May 19, 2013

- Introduction

Vox Populi Registry Inc (“VoxPop”) is pleased to provide detailed answers to the GAC Advice requirements as requested in the GAC Beijing Communique, particularly as relates to the string-specific need to have a policy in place to address Cyber Bullying.

We include citations from our initial application for clarity and to demonstrate that it has been VoxPop's intention from the very beginning to operate .SUCKS with integrity, respect for the security and stability of the internet and with a view to providing a platform free of parking pages, pornography and any form of Cyber Bullying.

It is important to note that the VoxPop application is the ONLY application for .SUCKS to have had policies in place that specifically address the concerns detailed in the GAC Communique from our original submission. The competing applications for .SUCKS on the other hand, have not articulated any policy related to Cyber Bullying in any of their submissions.

It is also important to note that when the opportunity to offer a Public Interest Commitment arose, the other .SUCKS applicants did not act. Despite the issuance of GAC Early Warnings referencing Cyber Bullying, competing .SUCKS applications continued to remain silent in their intent to establish policies against Cyber Bullying.

On this basis alone, the ICANN Board should exercise its right to reject the non-compliant competing applications for .SUCKS in favour of award to Vox Populi Registry on the simple basis that the competing applications have not addressed the GAC Communique and have ignored GAC Advice. Furthermore, to allow our competitors to make such a material change to their application at this stage of the process would be anti-competitive and would violate the intellectual property rights of our application, established by our original submission.

The remainder of this document provides a more detailed response to each of the GAC Communique concerns. VoxPop is confident the ICANN Board will evaluate our submission and

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concur that we meet and exceed the GAC requirements and we therefore look forward to moving ahead in the evaluation process.

- GAC Advice Response Details

With regards to the specific advice provided in the GAC Communique, the GAC first highlighted “six safeguards that should apply to all new gTLDs and be subject to contractual oversight”.

1. The first safeguard is “WHOIS verification and checks”

A key part of enforcing legal behavior is deploying a Whois database that is accurate and accessible. Of course we will implement all elements of the new pending registry agreement (including adherence to the WHOIS ACCURACY PROGRAM SPECIFICATION and more general WHOIS SPECIFICATION), but it is our intention to mandate an even higher verification standard, with a focus on multiple elements, not just one or two.

In this way, should there be a question of performance in accordance with registry policies or local laws we can quickly connect legitimate inquiries to the registrant. As stated in our application, we seek to lead by example. Privacy and transparency are not mutually exclusive values; each is totally appropriate. So, too is accountability.

Our original response (Ref: 4.2.9 Promoting Whois Accuracy) provides the full detail of how we intend to achieve the goals of the current WHOIS specification. That response is provided here for clarity.

---start of original reponse snippet on WHOIS Accuracy

“4.2.9 Promoting Whois Accuracy

Inaccurate Whois information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of Whois information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of Whois information in our TLD including:

– Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided Whois information by a member of the ARI Abuse and Compliance Team in order to verify all Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant, who must then provide a contact number that is verified by the member of the ARI Policy Compliance team. In the event that the registrant is not able to be contacted by any of the methods provided in Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).

– Semi-annual audits: to identify incomplete Whois information. Registrants will be contacted using provided Whois information and requested to provide missing information. In the event

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that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.

- Email reminders: to update Whois information to be sent to registrants every 6 months.
- Reporting system: a web-based submission service for reporting Whois accuracy issues available on the Abuse page of our registry website.
- Analysis of registry data: to identify patterns and correlations indicative of inaccurate Whois (eg repetitive use of fraudulent details).

Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate Whois information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.

The measures to promote Whois accuracy described above strike a balance between the need to maintain the integrity of the Whois service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner. Awareness by registrants that we will actively take steps to maintain the accuracy of Whois information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.”

---end of original response snippet on WHOIS Accuracy

We also acknowledge the work being undertaken by the Expert Working Group on gTLD Directory Services that will define future requirements for the delivery of WHOIS services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO’s creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC Advice on this issue. Naturally, VoxPop will adopt the requirements which ensue from this important work with the understanding that such outcome will be enforced on successful new gTLD applicants through the Registry Agreement.

2. For Safeguards 2,4,5 and 6

With regard to the subsequent safeguards (“Safeguard 3. Security checks” will be dealt with separately below), our original response to Question 28 (Abuse Prevention and Mitigation) in our application, anticipated the GAC Communique.

We would point out that existing ICANN policy provides a more general and broader scope than requested by the GAC. As articulated in our original application, VoxPop, with the services of our registry services provider, ARI (AusRegistry International), has fully adopted the definition of abuse developed by the Registration Abuse Policies Working Group (Registration Abuse Policies Working Group Final Report 2010, at <http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>).

Under this policy, abusive behaviour in a TLD is defined as an action that:

- causes actual and substantial harm, or is a material predicate of such harm.
- is illegal or illegitimate, or is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.

Our Abuse Prevention and Mitigation response included all the requisite elements requested by the GAC and more. We would encourage the Board to review our response in detail (Ref: Annex: Original Response to Question 28: Abuse Prevention and Mitigation).

3. Regarding Safeguard 3 Security Checks

On this one point, we do not believe the GAC request is within the scope of a Registry's responsibility and does not have a practical model for implementation. Registry Operators are not, and never have been charged with policing the Internet, nor should we be. Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive. Imposing such a burden is beyond the bounds of the new gTLD application process.

4. Additional Safeguards Applicable to Category 1 Strings

The GAC Communique also included a list of 5 additional safeguards applicable to a list of names identified in Category 1. Our response to each of these safeguards is provided below.

- GAC Safeguard Request: 1. Registry operators will include in their acceptable use policy that registrants 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.

As detailed in our response earlier to Abuse Prevention and Mitigation, VoxPop has clearly shown that we will not accept any kind of abusive behaviour particularly violation of all applicable laws. To inform registrants, VoxPop will publish a .SUCKS Anti Abuse Policy that will iterate all of the potential circumstances under which VoxPop may cancel or revoke a domain name registration. In addition, the VoxPop Registry Registrar Agreement (RRA) will require that Registrars ensure that (at the time of registration) the Registered Name Holder shall represent that, to the best of the Registered Name Holder's knowledge and belief, neither the registration of the Registered Name nor the manner in which it is directly or indirectly used infringes the legal rights of any third party and that the Registrant understands and accepts the .SUCKS Anti Abuse Policy defining acceptable use.

- GAC Safeguard Request 2: Registry operators will require registrars at the time of registration to notify registrants of this requirement.

As stated above, the VoxPop RRA will require that Registrars inform Registrants accordingly at the time of registration.

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iii. GAC Safeguard Request 3: Registry operators will require 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 and recognized industry standards.

VoxPop understands the GACs intention to ensure the security of personal health and financial data that may be collected by Registrants in the course of conducting their day-to-day business. However, it should be noted that the Registry has no ability to enforce the standards that the GAC is requesting nor should Registries have that scope of responsibility.

There are other industry examples of how it could be done.

Payment Card Industry (PCI) standards, which apply for the processing of credit card transactions for example, are administered and enforced by third parties with special expertise in this area. Audits on PCI compliance regularly take months to conduct.

VoxPop believes however that we can play a role in helping consumers understand under which circumstances they should consider providing sensitive health and financial data to a potential Registrant by issuing appropriate consumer data guidelines. VoxPop will include such guidelines on our website and provide references to same in our Terms and Conditions.

iv. GAC Safeguard Request 4: Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Except for Cyber Bullying which is addressed below, VoxPop is not aware of any relevant regulatory, or industry self-regulatory, bodies that would be applicable to the .SUCKS platform. However, we acknowledge that both the RAA (Registrar Accreditation Agreement) and RA (Registry Agreement) have provisions for ensuring registrants shall not take any action inconsistent with the corresponding provisions of those Agreements or applicable law. Further, we will support and promote the Registrant's Rights and Responsibilities Specification as required. Also under the RAA, Registrars will be required to establish and maintain a dedicated abuse contact point to respond to law enforcement, consumer protection, quasi-government or other similar authorities.

The RA also states that "Registry Operator shall take reasonable steps to investigate and respond to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD", of course VoxPop will fully comply with this requirement. Clearly, the Board will also accept that complaint "handling" will be met by our referring such to the appropriate authorities or third party arbiters who have both the mandate and jurisdiction to conduct such mediation.

VoxPop suggests to the Board that this GAC Advice requirement is indeed addressed by specific clauses in both the RA and RAA as is necessary.

v. GAC Safeguard Request 5: Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, for the notification of

GAC Advice Response Form for Applicants



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.

In our previous response on WHOIS VoxPop has indicated our commitment to implement the WHOIS ACCURACY PROGRAM SPECIFICATION as well as being committed to the requirement to adhere to the results of the current work being conducted by the Expert Working Group on gTLD Directory Services when it becomes a material part of the Registry Agreement

vi. GAC Supplemental Safeguard Request Applicable to .SUCKS: Applicants should develop clear policies and processes to minimise the risk of cyber bullying/harassment

VoxPop is pleased to point out that our application included relevant policies for the prevention of Cyber Bullying from the very start. In fact, ours is the ONLY application for .SUCKS to have done so. It is referenced in our original response to Question 18 and is further detailed in our response to Question 28 (see Annex below). Furthermore, even after GAC Early Warnings were issued referencing Cyber Bullying, competing .SUCKS applications continued to remain silent in their intent to establish policies against Cyber Bullying. VoxPop, on the other hand, submitted a PIC acknowledging that we will be held accountable under contract for our original policy commitments in this regard.

In short, if a complaint is made that any DotSUCKS site engages in cyber bullying (as defined by <http://www.stopcyberbullying.org>) and that complaint is proved, the site will be the subject of rapid takedown policies.

Generally, the takedown process will follow these steps:

- We will first suspend the domain name
- Investigate
- Refer the matter to an independent third party expert.

In this case we will engage industry subject matter experts to assist us in the development and implementation of the required policy and processes towards implementing our Cyber Bullying take down framework. Our plan is to create a framework similar to the UDRP process that would include assessment and review by a qualified unbiased third party of alleged Cyber Bullying claims. Finally, once the assessment is complete, we will then either restore or terminate the domain name as applicable. All of these provisions have been components of our application from the very start.

VoxPop is proud of our initial stance on Cyber Bullying and we believe that it is critical to the success of the DotSUCKS platform. More importantly, we believe that incorporating such policy in our original application reflects a commercial competitive advantage of our application. And, as the only application including such policy, we believe it is an integral component of the intellectual property which forms the basis of our platform.

We consider the GACs Advice on DotSUCKS generally to require that where and if such policy does not exist in an applicant's submission, then the applicant(s) would be required to submit a formal application change request (none of the competing applications for DotSUCKS has provided provisions for Cyber Bullying). Such request must include proposed changes to the

policies of their original submission to include the same (or similar) provision for Cyber Bullying which VoxPop already included in our original application. VoxPop further asserts that the ICANN Board must reject such change requests on the basis that they would be a material change to the policies of the operation of the registry, are clearly anti-competitive and would violate the intellectual property ownership contained in our original application which is now public.

The ICANN Board has the ability to reject specific applications based on non-adherence with GAC Advice. In this circumstance, the ICANN Board should clearly reject the other two applications for DotSUCKS (1-1279-43617 and 1-1596-35125) on the basis neither complies with GAC Advice to provide sufficient safeguards for Cyber Bullying. VoxPop has carefully reviewed both competitive applications as well as their filed PICs and can report that the term “Bullying” (let alone “Cyber Bullying”) does not appear even once in either application. Allowing either of these applications to make such a change at this juncture is tantamount to allowing them to copy the intellectual property contained in VoxPop’s original application. In so doing, such action removes a significant competitive advantage of our application and violates our intellectual property.

5. Further targeted safeguards for Category 1 Strings

The final section of the GAC Communique related to Category 1 strings apply only to a limited subset of the strings. VoxPop believes that .SUCKS is not one of the strings applicable to this requirement. It is not associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions. Therefore, we provide no detailed response to this section of the GAC Communique as none is required.

6. Additional Safeguards Applicable to Category 2 Strings

The GAC Communique has defined Category 2 strings as having “Restricted Registration Policies”. This does not apply to the VoxPop application for .SUCKS which will be operated as an “open generic” gTLD. Therefore, we provide no detailed response to this section of the GAC Communique as none is required.

Annex

This is a recitation of our original response to question 28, Abuse Prevention and Mitigation. We have engaged ARI Registry Services (ARI) to deliver services for .SUCKS. ARI provides registry services for a number of TLDs including the .au ccTLD. For more background information on ARI please see the attachment ‘Q28 – ARI Background & Roles.pdf’.

---start of original reponse to Q28

1 INTRODUCTION

The Registry will undertake a variety of steps to minimise abusive registrations and other activities in .SUCKS that have a negative impact on Internet users. We will utilise the ARI Anti-Abuse Service (AAS), which includes the implementation of the comprehensive .SUCKS Anti-

Abuse Policy (RAAP). This policy, developed in consultation with ARI, clearly defines abusive behaviour, identifies particular types of abusive behaviour, and specifies the steps to be taken in responding to such behaviour.

2 OVERVIEW

Owing to their extensive industry experience and established anti-abuse operations, ARI will implement and manage on our behalf various procedures and measures to prevent, detect, identify, and respond to abuse. ARI will automatically respond to information about the categories of abuse that fall within the scope of the ARI AAS, and forward to us all matters requiring determination by the registry operator and/or falling outside of the scope of ARI's AAS. This is described below in the context of the implementation of the .SUCKS Anti-Abuse Policy.

The ARI Anti-Abuse Service is structured to address the following categories of abuse: Spam, Malware, Pornography, Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control and Cyberbullying. We nonetheless understand that it is our responsibility to minimise abusive registrations and other activities that have a negative impact on Internet users in the TLD. In recognition of this responsibility, we will play a hands-on role in the implementation of the ARI Anti-Abuse Service for .SUCKS. Our contract with ARI will contain SLA's to ensure that ARI's delivery of the Anti-Abuse Service is aligned with our strong commitment to minimise abuse in our TLD.

That strong commitment is further demonstrated by our adoption of many of the requirements proposed in the '2011 Proposed Security, Stability and Resiliency Requirements for Financial TLDs' (at <http://www.icann.org/en/news/correspondence/aba-bits-to-beckstrom-crocker-20dec11-en.pdf>) (the 'BITS Requirements'). While these requirements were developed by the financial services sector to address potential abuses in financial TLDs, a number of the Requirements, if adapted and adopted in .SUCKS (which is not financial-related), will result in a more robust approach to combating abuse.

Consistent with Requirement 6 of the BITS Requirements, we will certify to ICANN on an annual basis our compliance with our Registry Agreement.

Please note that the various policies and practices that we have implemented to minimise abusive registrations and other activities that affect the rights of trademark holders are specifically described in our response to Question 29. Accordingly, they are NOT addressed in our response to this Question.

3 POLICY

In consultation with ARI we have developed a comprehensive Anti-Abuse Policy, which is the main instrument that captures our strategy in relation to abuse in the TLD.

3.1 Definition of Abuse

Abusive behaviour in a TLD may relate to the core domain name-related activities performed by Registrars and registries including, but not limited to:

- The allocation of registered domain names
- The maintenance of and access to registration information
- The transfer, deletion, and reallocation of domain names
- The manner in which the registrant uses the domain name upon creation

The scope of such activities makes it challenging to define abusive behaviour in a TLD. Defining abusive behaviour by reference to the stage in the domain name lifecycle in which the behaviour occurs also presents difficulty given that a particular type of abuse may occur at various stages of the life cycle.

With this in mind, ARI has fully adopted the definition of abuse developed by the Registration Abuse Policies Working Group (Registration Abuse Policies Working Group Final Report 2010, at <http://gnso.icann.org/issues/rap/rap-wg-final-report-29may10-en.pdf>), which does not focus on any particular stage in the domain name life cycle.

Under this policy, abusive behaviour in a TLD is defined as an action that:

- causes actual and substantial harm, or is a material predicate of such harm.
- is illegal or illegitimate, or is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.

In applying this definition the following must be noted:

1. The party or parties harmed, and the severity and immediacy of the abuse, should be identified in relation to the specific alleged abuse.
2. The term "harm" is not intended to shield a party from fair market competition.
3. A predicate is a related action or enabler. There must be a clear link between the predicate and the abuse, and justification enough to address the abuse by addressing the predicate (enabling action).

For example, Whois data can be used in ways that cause harm to domain name registrants, intellectual property (IP) rights holders and Internet users. Harmful actions may include the generation of spam, the abuse of personal data, IP infringement, loss of reputation or identity theft, loss of data, phishing and other cybercrime-related exploits, harassment, stalking, or other activity with negative personal or economic consequences. Examples of predicates to these harmful actions are automated email harvesting, domain name registration by proxy/privacy services to aid wrongful activity, support of false or misleading registrant data, and the use of Whois data to develop large email lists for commercial purposes. The misuse of Whois data is therefore considered abusive because it is contrary to the intention and design of the stated legitimate purpose of Whois data.

3.2 Aims and Overview of Our Anti-Abuse Policy

The .SUCKS Anti-Abuse Policy will first ensure that registrants are on notice of the TLD policies, the ways in which the TLD will be monitored for abuse, the mechanisms for reporting abuse, and the manner in which we will respond to verified instances of abuse. We believe that unavoidable, "in your face" notification about these policies and procedures will serve as a deterrent to those seeking to register and use domain names for abusive purposes. The policy will be specifically called out in the registration process, easily accessible on the Abuse page of our registry website which will be linked directly from the home page, along with FAQs and contact information for reporting abuse.

Consistent with Requirements 15 and 16 of the BITS Requirements, our policy:

- Defines abusive behaviour in our TLD.
- Identifies types of actions that constitute abusive behaviour, consistent with our adoption of the RAPWG definition of 'abuse'.
- Classifies abusive behaviours based on the severity and immediacy of the harm caused.
- Identifies how abusive behaviour can be notified to us and the steps that we will take to determine whether the notified behaviour is abusive.
- Identifies the actions that we may take in response to behaviour determined to be abusive.

Our RRA will oblige all Registrars to:

- comply with the .SUCKS Anti-Abuse Policy; and
- enter into a registration agreement with each registrant that obligates each registrant to comply with the Anti-Abuse Policy and each of the following requirements: ‘operational standards, policies, procedures, and practices for the TLD established from time to time by the registry operator in a non-arbitrary manner and applicable to all Registrars, including affiliates of the registry operator, and consistent with ICANN’s standards, policies, procedures, and practices and the registry operator’s Registry Agreement with ICANN.’ In addition, we will reserve the right to impose additional or revised registry operator operational standards, policies, procedures, and practices for the TLD which shall be effective upon thirty days notice by the registry operator to the Registrar. If there is a discrepancy between the terms required by this Agreement and the terms of the Registrar’s registration agreement, the terms of this Agreement shall supersede those of the Registrar’s registration agreement’.

Our RRA will additionally incorporate the following BITS Requirements:

- Requirement 7: Registrars must certify annually to ICANN and us compliance with ICANN’s Registrar Accreditation Agreement (RAA) our Registry-Registrar Agreement (RRA).
- Requirement 9: Registrars must provide and maintain valid primary contact information (name, email address, and phone number) on their website.
- Requirement 14: Registrars must notify us immediately regarding any investigation or compliance action, including the nature of the investigation or compliance action by ICANN or any outside party (eg. law enforcement, etc.) along with the TLD impacted.

- Requirement 19: Registrars must disclose registration requirements on their website.

We will re-validate our RRAs at least annually, consistent with Requirement 10.

3.3 Anti-Abuse Policy

Our Anti-Abuse Policy is as follows:

Anti-Abuse Policy

Introduction:

The abusive registration and use of domain names in the TLD creates security and stability issues for all participants in the Internet environment and will not be tolerated.

Definition of Abusive Behaviour:

Abusive behaviour is an action that:

- causes actual and substantial harm, or is a material predicate of such harm; or
- is illegal or illegitimate, or is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.

A ‘predicate’ is an action or enabler of harm.

‘Material’ means that something is consequential or significant.

Examples of abusive behaviour falling within this definition:

- Spam: the use of electronic messaging systems to send unsolicited bulk messages. The term applies to e-mail spam and similar abuses such as instant messaging spam, mobile messaging spam, and the spamming of web sites and Internet forums. An example, for purposes of illustration, would be the use of email in denial-of-service attacks.
- Phishing: the use of a fraudulently presented web site to deceive Internet users into divulging sensitive information such as usernames, passwords or financial data.

- Pharming: the redirecting of unknowing users to fraudulent web sites or services, typically through DNS hijacking or poisoning, in order to deceive Internet users into divulging sensitive information such as usernames, passwords or financial data.
- Wilful distribution of malware: the dissemination of software designed to infiltrate or cause damage to devices or to collect confidential data from users without their informed consent.
- Fast Flux hosting: the use of DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves in order to disguise the location of web sites or other Internet services, or to avoid detection and mitigation efforts, or to host illegal activities. Fast flux hosting may only be used with prior permission of the registry operator.
- Botnet command and control: the development and use of a command, agent, motor, service or software which is implemented: (1) to remotely control the computer or computer system of an Internet user without their knowledge or consent, (2) to generate direct denial of service (DDOS) attacks.
- Distribution of any form of pornography: the storage, publication, display and/or dissemination of pornographic
- Any form of cyber bullying defined as ‘any cyber-communication or publication posted or sent by a minor online, by instant message, e-mail, website, diary site, online profile, interactive game, handheld device, cellphone, game device, digital camera or video, webcam or use of any interactive device that is intended to frighten, embarrass, harass, hurt, set up, cause harm to, extort, or otherwise target another minor.’
- Illegal access to other computers or networks: the illegal accessing of computers, accounts, or networks belonging to another party, or attempt to penetrate security measures of another individual’s system (hacking). Also, any activity that might be used as a precursor to an attempted system penetration.

Detection of Abusive Behaviour:

Abusive behaviour in the TLD may be detected in the following ways:

- By us through our on-going monitoring activities and industry participation.
 - By third parties (general public, law enforcement, government agencies, industry partners) through notification submitted to the abuse point of contact on our website, or industry alerts.
- Reports of abusive behaviour will be notified immediately to the Registrar of record.

Intake and handling of reports of abusive behaviour:

The registry will maintain a web-based system (the “Abuse Reporting System” or the “ARS”) for reporting non-compliant registrations and/or registrants operating in a manner that violates .SUCKS Policies.

The ARS will facilitate prompt processing by queuing reports by category (e.g., phishing, pharming, spam, cyberbullying, etc.).

Personnel responsible for receiving and responding to abuse reports will be trained to recognize actions or activity that constitute abuse. Such personnel will have access to subject matter experts to assess reports about particular categories of abuse.

Handling of abusive behaviour:

Upon receipt of a report of abuse, a preliminary assessment will be performed in order to validate the report. Applying the definitions of types of abusive behaviours identified in this policy, we will classify each incidence of validated abuse into one of two categories based on the probable severity and immediacy of harm to registrants and Internet users. These categories are

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provided below and are defined by reference to the action that may be taken by us. The examples of types of abusive behaviour falling within each category are illustrative only.

Category 1:

Probable Severity or Immediacy of Harm: Low

Examples of types of abusive behaviour: Spam, Malware, Pornography

Mitigation steps:

1. Investigate
2. Notify registrant (notice to cure)

Category 2:

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control

Mitigation steps:

1. Suspend domain name
2. Investigate
3. Restore or terminate domain name

Category 3:

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Cyber bullying

Mitigation steps:

1. Suspend domain name
2. Investigate and refer to an independent third party expert. In this case we will engage industry subject matter experts to assist us in the development and implementation of the required policy and processes towards implementing our cyber bullying take down framework. Our plan is to create a framework similar to the UDRP process that would include assessment and review by a qualified unbiased third party of alleged Cyber Bullying claims.
3. Restore or terminate domain name

All reports of child abuse images will be automatically referred to the hotline designated to receive such reports.

Reports of illegal abusive behaviour submitted by a law enforcement agency, government or quasi-governmental agency will be reviewed and evaluated on an expedited basis, and the registry will comply with any specific instructions provided by the referring agency provided such steps are consistent with applicable law and respect any due process rights contained in applicable law. Please see section 4.3.2.2.1 below for information about the expedited process for qualifying agencies.

All reports of abusive behaviours will be date stamped and logged upon receipt. Subsequent processing, including suspension, referral, issuance of notice to cure, restore, termination, etc. will be logged.

The registry will conduct annual audits of reports of abusive behaviour, and adjust the operation of the .SUCKS registration policies and procedures, the ARS, and the .SUCKS policies on abusive behaviours as appropriate.

Note that these expected actions are intended to provide a guide to our response to abusive behaviour rather than any guarantee that a particular action will be taken.

The identification of abusive behaviour in the TLD, as defined above, shall give us the right, but not the obligation, to take such actions in accordance with the following text in the .SUCKS RRA, which provides that the registry operator:

‘reserves the right to deny, cancel or transfer any registration or transaction, or place any domain name(s) on registry lock, hold or similar status, or instruct Registrars to take such an action as we deem necessary in our discretion to;

1. protect the integrity and stability of the registry;
 2. enforce TLD policies;
 3. comply with any applicable laws, government rules or requirements, requests of law enforcement, or dispute resolution process;
 4. avoid any liability, civil or criminal, on the part of the registry operator, as well as its affiliates, subsidiaries, officers, directors, and employees, per the terms of the registration agreement;
- and
5. correct mistakes made by the registry operator or any Registrar in connection with a domain name registration.

We reserve the right to place upon registry lock, hold or similar status a domain name during resolution of a dispute.

We also reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.

Registrars only and not Resellers may offer proxy registration services to private individuals using the domain name for non-commercial purposes.

We may amend or otherwise modify this policy to keep abreast of changes in consensus policy or new and emerging types of abusive behaviour in the Internet.

Registrar’s failure to comply with this Anti-Abuse Policy shall constitute a material breach of the RRA, and shall give rise to the rights and remedies available to us under the RRA.

4 ABUSE PREVENTION AND MITIGATION

This section describes the implementation of our abuse related processes regarding:

- Building awareness of the Anti-Abuse Policy.
- Mitigating the potential for abusive behaviour.
- Identifying abusive behaviour.
- Handling abusive behaviour.

4.1. Awareness of Policy

The Anti-Abuse Policy will be published on the Abuse page of our registry website, which will be accessible and have clear links from the home page. In addition, the URL to the Abuse page will be included in all email correspondence to the registrant, thereby placing all registrants on notice of the applicability of the Anti-Abuse Policy to all domain names registered in our TLD.

The Abuse page will, consistent with Requirement 8 of the BITS Requirements, provide registry contact information (name, email address, and phone number) to enable the public to communicate with us about TLD policies. The Abuse page will emphasise and evidence our commitment to combating abusive registrations by clearly identifying what our policy on abuse is and what effect our implementation of the policy may have on registrants. We anticipate that this clear message, which communicates our commitment to combating abusive registrations, will serve to minimise abusive registrations in our TLD.

4.2 Pre-emptive – Mitigating of the Potential for Abuse

The following practices and procedures will be adopted to mitigate the potential for abusive behaviour in our TLD.

4.2.1 ICANN Prescribed Measures

In accordance with our obligations as a registry operator, we will comply with all requirements in the 'gTLD Applicant Guidebook'. In particular, we will comply with the following measures prescribed by ICANN which serve to mitigate the potential for abuse in the TLD:

- DNSSEC deployment, which reduces the opportunity for pharming and other man-in-the-middle attacks. We will encourage Registrars and Internet Service Providers to deploy DNSSEC capable resolvers in addition to encouraging DNS hosting providers to deploy DNSSEC in an easy-to-use manner in order to facilitate deployment by registrants. DNSSEC deployment is further discussed in the context of our response to Question 43.
- Prohibition on Wild Carding as required by section 2.2 of Specification 6 of the Registry Agreement.
- Removal of Orphan Glue records (discussed below in '4.2.8 Orphan Glue Record Management').

4.2.2 Increasing Registrant Security Awareness

In accordance with our commitment to operating a secure and reliable TLD, we will attempt to improve registrant awareness of the threats of domain name hijacking, registrant impersonation and fraud, and emphasise the need for and responsibility of registrants to keep registration (including WhoIs) information accurate. Awareness will be raised by:

- Publishing the necessary information on the Abuse page of our registry website in the form of videos, presentations and FAQ's.
- Developing and providing to registrants and resellers Best Common Practices that describe appropriate use and assignment of domain auth Info codes and risks of misuse when the uniqueness property of this domain name password is not preserved.

The increase in awareness renders registrants less susceptible to attacks on their domain names owing to the adoption of the recommended best practices thus serving to mitigate the potential for abuse in the TLD. The clear responsibility on registrants to provide and maintain accurate registration information (including WhoIs) further serves to minimise the potential for abusive registrations in the TLD.

4.2.3 Mitigating the Potential for Abusive Registrations that Affect the Legal Rights of Others

Many of the examples of abusive behaviour identified in our Anti-Abuse Policy may affect the rights of trademark holders. While our Anti-Abuse Policy addresses abusive behaviour in a general sense, we have additionally developed specific policies and procedures to combat behaviours that affect the rights of trademark holders at start-up and on an ongoing basis. These include the implementation of a trademark claims service and a sunrise registration service at start-up and implementation of the UDRP, URS and PDDRP on an ongoing basis. The implementation of these policies and procedures serves to mitigate the potential for abuse in the TLD by ensuring that domain names are allocated to those who hold a corresponding trademark.

These policies and procedures are described in detail in our response to Question 29.

4.2.4 Safeguards Against Allowing for Unqualified Registrations

The eligibility restrictions for .SUCKS are outlined in our response to Question 18.

Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements:

- Registrant warrants that it satisfies eligibility requirements.

Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful.

Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.

4.2.5 Registrant Disqualification

As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.

Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.

In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any existing or new registration that uses such fraudulent NS record will be investigated.

The disqualification of ‘bad actors’ and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.

4.2.6 Restrictions on Proxy Registration Services

Whilst it is understood that implementing measures to promote Whois accuracy is necessary to ensure that the registrant may be tracked down, it is recognised that some registrants may wish to utilise a proxy registration service to protect their privacy. In the event that Registrars elect to offer such services, the following conditions apply:

- Proxy registration services may only be offered by Accredited Registrars and NOT resellers.
- Registrars must obtain and maintain the actual Whois data from the registrant.
- Registrars must provide Law Enforcement Agencies (LEA) with the actual Whois data upon receipt of a verified request.
- Proxy registration services may only be made available to private individuals using the domain name for non-commercial purposes.

These conditions will be implemented contractually by inclusion of corresponding clauses in the RRA as well as being published on the Abuse page of our registry website. Individuals and organisations will be encouraged through our Abuse page to report any domain names they believe violate the above restrictions, following which appropriate action may be taken by us. Publication of these conditions on the Abuse page of our registry website ensures that registrants are aware that despite utilisation of a proxy registration service, actual Whois

information will be provided to LEA upon request in order to hold registrants liable for all actions in relation to their domain name. The certainty that Whois information relating to domain names which draw the attention of LEA will be disclosed results in the TLD being less attractive to those seeking to register domain names for abusive purposes, thus mitigating the potential for abuse in the TLD.

4.2.7 Registry Lock

Certain mission-critical domain names such as transactional sites, email systems and site supporting applications may warrant a higher level of security. Whilst we will take efforts to promote the awareness of security amongst registrants, it is recognised that an added level of security may be provided to registrants by 'registry locking' the domain name thereby prohibiting any updates at the registry operator level. The registry lock service will be offered to all Registrars who may request this service on behalf of their registrants in order to prevent unintentional transfer, modification or deletion of the domain name. This service mitigates the potential for abuse by prohibiting any unauthorised updates that may be associated with fraudulent behaviour. For example, an attacker may update nameservers of a mission-critical domain name, thereby redirecting customers to an illegitimate website without actually transferring control of the domain name.

Upon receipt of a list of domain names to be placed on registry lock by an authorised representative from a Registrar, ARI will:

1. Validate that the Registrar is the Registrar of record for the domain names.
2. Set or modify the status codes for the names submitted to serverUpdateProhibited, serverDeleteProhibited and/or serverTransferProhibited depending on the request.
3. Record the status of the domain name in the Shared Registration System (SRS).
4. Provide a monthly report to Registrars indicating the names for which the registry lock service was provided in the previous month.

4.2.8 Orphan Glue Record Management

The ARI registry SRS database does not allow orphan records. Glue records are removed when the delegation point NS record is removed. Other domains that need the glue record for correct DNS operation may become unreachable or less reachable depending on their overall DNS service architecture. It is the registrant's responsibility to ensure that their domain name does not rely on a glue record that has been removed and that it is delegated to a valid nameserver. The removal of glue records upon removal of the delegation point NS record mitigates the potential for use of orphan glue records in an abusive manner.

4.2.9 Promoting Whois Accuracy

Inaccurate Whois information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of Whois information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of Whois information in our TLD including:

– Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided Whois information by a member of the ARI Abuse and Compliance Team in order to verify all Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant, who must then provide a contact number that is verified by the member of the ARI Policy Compliance team. In the event that the registrant is not able to be contacted by any of

the methods provided in Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).

- Semi-annual audits: to identify incomplete Whois information. Registrants will be contacted using provided Whois information and requested to provide missing information. In the event that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.
- Email reminders: to update Whois information to be sent to registrants every 6 months.
- Reporting system: a web-based submission service for reporting Whois accuracy issues available on the Abuse page of our registry website.
- Analysis of registry data: to identify patterns and correlations indicative of inaccurate Whois (eg repetitive use of fraudulent details).

Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate Whois information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.

The measures to promote Whois accuracy described above strike a balance between the need to maintain the integrity of the Whois service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner. Awareness by registrants that we will actively take steps to maintain the accuracy of Whois information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.

4.3 Reactive – Identification

The methods by which abusive behaviour in our TLD may be identified are described below. These include detection by ARI and notification from third parties. These methods serve to merely identify and not determine whether abuse actually exists. Upon identification of abuse, the behaviour will be handled in accordance with '4.4 Abuse Handling'.

Any abusive behaviour identified through one of the methods below will, in accordance with Requirement 13 of the BITS Requirements, be notified immediately to relevant Registrars.

4.3.1 Detection – Analysis of Data

ARI will routinely analyse registry data in order to identify abusive domain names by searching for behaviours typically indicative of abuse. The following are examples of the data variables that will serve as indicators of a suspicious domain name and may trigger further action by the ARI Abuse and Compliance Team:

- Unusual Domain Name Registration Practices: practices such as registering hundreds of domains at a time, registering domains which are unusually long or complex or include an obvious series of numbers tied to a random word (abuse40, abuse50, abuse60) may, when considered as a whole, be indicative of abuse.
- Domains or IP addresses identified as members of a Fast Flux Service Network (FFSN): ARI uses the formula developed by the University of Mannheim and tested by participants of the Fast Flux PDP WG to determine members of this list. IP addresses appearing within identified FFSN domains, as either NS or A records shall be added to this list.

- An Unusual Number of Changes to the NS record: the use of fast-flux techniques to disguise the location of web sites or other Internet services, to avoid detection and mitigation efforts, or to host illegal activities is considered abusive in the TLD. Fast flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves. As such an unusual number of changes to the NS record may be indicative of the use of fast-flux techniques given that there is little, if any, legitimate need to change the NS record for a domain name more than a few times a month.
- Results of Whois audits: The audits conducted to promote Whois accuracy described above are not limited to serving that purpose but may also be used to identify abusive behaviour given the strong correlation between inaccurate Whois data and abuse.
- Analysis of cross-validation of registrant Whois data against Whois data known to be fraudulent.
- Analysis of Domain Names belonging to a registrant subject to action under the Anti-Abuse Policy: in cases where action is taken against a registrant through the application of the Anti-Abuse Policy, we will also investigate other domain names by the same registrant (same name, nameserver IP address, email address, postal address etc).

4.3.2 Abuse Reported by Third Parties

Whilst we are confident in our abilities to detect abusive behaviour in the TLD owing to our robust ongoing monitoring activities, we recognise the value of notification from third parties to identify abuse. To this end, we will incorporate notifications from the following third parties in our efforts to identify abusive behaviour:

- Industry partners through ARI's participation in industry forums which facilitate the sharing of information.
- LEA through a single abuse point of contact (our Abuse page on the registry website, as discussed in detail below) and an expedited process (described in detail in '4.4 Abuse Handling') specifically for LEA.
- Members of the general public through a single abuse point of contact (our Abuse page on the registry website).

4.3.2.1 Industry Participation and Information Sharing

ARI is a member of the Registry Internet Safety Group (RISG), whose mission is to facilitate data exchange and promulgate best practices to address Internet identity theft, especially phishing and malware distribution. In addition, ARI coordinates with the Anti-Phishing Working Group (APWG) and other DNS abuse organisations and is subscribed to the NXdomain mailing list. ARI's strong participation in the industry facilitates collaboration with relevant organisations on abuse-related issues and ensures that ARI is responsive to new and emerging domain name abuses.

The information shared as a result of this industry participation will be used to identify domain names registered or used for abusive purposes. Information shared may include a list of registrants known to partake in abusive behaviour in other TLDs. Whilst presence on such lists will not constitute grounds for registrant disqualification, ARI will investigate domain names registered to those listed registrants and take action in accordance with the Anti-Abuse Policy. In addition, information shared regarding practices indicative of abuse will facilitate detection of abuse by our own monitoring activities.

4.3.2.2 Single Abuse Point of Contact on Website

In accordance with section 4.1 of Specification 6 of the Registry Agreement, we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all Registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, Registrars, LEA, government and quasi-governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email and mailing address as well as a primary contact for handling inquiries related to abuse in the TLD) will be provided to ICANN and published on the Abuse page of our registry website, which will also include:

- All public facing policies in relation to the TLD, including the Anti-Abuse Policy.
- A web-based submission service for reporting inaccuracies in Whois information.
- Registrant Best Practices.
- Conditions that apply to proxy registration services and direction to the SAPOC to report domain names that violate the conditions.

As such, the SAPOC may receive complaints regarding a range of matters including but not limited to:

- Violations of the Anti-Abuse Policy.
- Inaccurate Whois information.
- Violation of the restriction of proxy registration services to individuals.

The SAPOC will be the primary method by which we will receive notification of abusive behaviour from third parties. It must be emphasised that the SAPOC will be the initial point of contact following which other processes will be triggered depending on the identity of the reporting organisation. Accordingly, separate processes for identifying abuse exist for reports by LEA/government and quasi-governmental agencies and members of the general public. These processes will be described in turn below.

4.3.2.2.1 Notification by LEA of Abuse

We recognise that LEA, governmental and quasi-governmental agencies may be privy to information beyond the reach of others which may prove critical in the identification of abusive behaviour in our TLD. As such, we will provide an expedited process which serves as a channel of communication for LEA, government and quasi-governmental agencies to, amongst other things, report illegal conduct in connection with the use of the TLD.

The process will involve prioritisation and prompt investigation of reports identifying abuse from those organisations. The steps in the expedited process are summarised as follows:

1. ARI's Abuse and Compliance Team will publish a mechanism for verifying relevant LEA, government and quasi-governmental agencies eligible to use the expedited process, depending on the mission/purpose and jurisdiction of our TLD. In addition, the Team will pro-actively identify and reach-out to relevant agencies.
2. We will publish contact details on the Abuse page of the registry website for the SAPOC to be utilised by only those taking part in the expedited process.
3. All calls to this number will be responded to by the ARI Service Desk on a 24/7 basis. All calls will result in the generation of a ticket in ARI's case management system (CMS).
4. The identity of the reporting agency will be identified using the established means of verification (ARI's Security Policy has strict guidelines regarding the verification of external parties over the telephone). If no means of verification has been established, the report will be immediately escalated to the ARI Abuse and Compliance Team. Results of verification will be recorded against the relevant CMS ticket.

6. Upon verification of the reporting agency, the ARI Service Desk will obtain the details necessary to adequately investigate the report of abusive behaviour in the TLD. This information will be recorded against the relevant CMS ticket.

7. Reports from verified agencies may be provided in the Incident Object Description Exchange Format (IODEF) as defined in RFC 5070. Provision of information in the IODEF will improve our ability to resolve complaints by simplifying collaboration and data sharing.

8. Tickets will then be forwarded to the ARI Abuse and Compliance Team to be dealt with in accordance with '4.4 Abuse Handling'.

4.3.2.2.2 Notification by General Public of Abuse

Abusive behaviour in the TLD may also be identified by members of the general public including but not limited to other registries, Registrars or security researchers. The steps in this notification process are summarised as follows:

1. We will publish contact details on the Abuse page of the registry website for the SAPOC (note that these contact details are not the same as those provided for the expedited process).

2. All calls to this number will be responded to by the ARI Service Desk on a 24/7 basis. All calls will result in the generation of a CMS ticket.

3. The details of the report identifying abuse will be documented in the CMS ticket using a standard information gathering template.

4. Tickets will be forwarded to the ARI Abuse and Compliance Team, to be dealt with in accordance with '4.4 Abuse Handling'.

All reports of child abuse images will be automatically referred to the hotline designated to receive such reports.

4.4 Abuse Handling

Upon being made aware of abuse in the TLD, whether by ongoing monitoring activities or notification from third parties, the ARI Abuse and Compliance Team will perform the following functions:

4.4.1 Preliminary Assessment and Categorisation

Each report of purported abuse will undergo an initial preliminary assessment by the ARI Abuse and Compliance Team to determine the legitimacy of the report. This step may involve simply visiting the offending website and is intended to weed out spurious reports, and will not involve the in-depth investigation needed to make a determination as to whether the reported behaviour is abusive.

Where the report is assessed as being legitimate, the type of activity reported will be classified as one of the types of abusive behaviour as found in the Anti-Abuse Policy by the application of the definitions provided. In order to make this classification, the ARI Abuse and Compliance Team must establish a clear link between the activity reported and the alleged type of abusive behaviour such that addressing the reported activity will address the abusive behaviour.

While we recognise that each incident of abuse represents a unique security threat and should be mitigated accordingly, we also recognise that prompt action justified by objective criteria are key to ensuring that mitigation efforts are effective. With this in mind, we have categorised the actions that we may take in response to various types of abuse by reference to the severity and immediacy of harm. This categorisation will be applied to each validated report of abuse and actions will be taken in accordance with the table below. It must be emphasised that the actions to mitigate the identified type of abuse in the table are merely intended to provide a rough guideline and may vary upon further investigation.

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Category 1

Probable Severity or Immediacy of Harm: Low

Examples of types of abusive behaviour: Spam, Malware

Mitigation steps:

1. Investigate
2. Notify registrant

Category 2

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control

Mitigation steps:

1. Suspend domain name
2. Investigate
3. Restore or terminate domain name

The mitigation steps for each category will now be described:

Category 3:

Probable Severity or Immediacy of Harm: Medium to High

Examples of types of abusive behaviour: Cyber bullying

Mitigation steps:

1. Suspend domain name
2. Investigate by an independent third party. In this case we will engage industry subject matter experts to assist us in the development and implementation of the required policy and processes towards implementing our cyber bullying take down framework. Our plan is to create a framework similar to the UDRP process that would include assessment and review by a qualified unbiased third party of alleged Cyber Bullying claims.

4.4.2 Investigation – Category 1

Types of abusive behaviour that fall into this category include those that represent a low severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in the dissemination of unsolicited information or the publication of illegitimate information. While undesirable, these activities do not generally present such an immediate threat as to justify suspension of the domain name in question. We will contact the registrant to instruct that the breach of the Anti-Abuse Policy be rectified. If the ARI Abuse and Compliance Team's investigation reveals that the severity or immediacy of harm is greater than originally anticipated, the abusive behaviour will be escalated to Category 2 and mitigated in accordance with the applicable steps. These are described below. The assessment made and actions taken will be recorded against the relevant CMS ticket.

4.4.3 Suspension – Category 2

Types of abusive behaviour that fall into this category include those that represent a medium to high severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in intrusion into other computers' networks and systems or financial gain by fraudulent means. Following notification of the existence of such behaviours, the ARI Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. Cancellation will result if, upon further investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to

the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, ARI will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.

Phishing is considered to be a serious violation of the Anti-Abuse Policy owing to its fraudulent exploitation of consumer vulnerabilities for the purposes of financial gain. Given the direct relationship between phishing uptime and extent of harm caused, we recognise the urgency required to execute processes that handle phish domain termination in a timely and cost effective manner. Accordingly, the ARI Abuse and Compliance Team will prioritise all reports of phishing from brand owners, anti-phishing providers or otherwise and carry out the appropriate mitigation response within 12 hours in accordance with the SLA's in place between us and ARI. In addition, since a majority of phish domains are subdomains, we believe it is necessary to ensure that subdomains do not represent an unregulated domain space to which phishers are known to gravitate. Regulation of the subdomain space is achieved by holding the registrant of the parent domain liable for any actions that may occur in relation to subdomains. In reality, this means that where a subdomain determined to be used for phishing is identified, the parent domain may be suspended and possibly cancelled, thus effectively neutralising every subdomain hosted on the parent. In our RRA we will require that Registrars ensure that their Registration Agreements reflect our ability to address phish subdomains in this manner.

4.4.3 Suspension – Category 3

Types of abusive behaviour that fall into this category are anything defined as cyber bullying per <http://www.stopcyberbullying.org>. This organization represents one example of an organization that could be engaged to formulate the .SUCKS TLD's cyber bullying policies. Notification of the alleged existence of cyberbullying shall be reviewed within 8 business hours of receipt and promptly investigated to rule out any abusive reports. After ruling out clearly abusive reports, the ARI Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. As this represents a very specialized form of abuse, ARI will pass all complaints of cyberbullying (including reports deemed to have been abusive) on to our partner (yet to be determined), whose organization will conduct the investigation under contract. Cancellation will result if, as a result of the investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, ARI will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.

4.4.5 Executing LEA Instructions

We understand the importance of our role as a registry operator in addressing consumer vulnerabilities and are cognisant of our obligations to assist LEAs, government and quasi-governmental agencies in the execution of their responsibilities. As such, we will make all reasonable efforts to ensure the integration of these agencies into our processes for the identification and handling of abuse by, amongst other things:

1. Providing expedited channels of communication (discussed above).

2. Notifying LEA of abusive behaviour believed to constitute evidence of a commission of a crime eg distribution of child pornography.
3. Sharing all available information upon request from LEA utilising the expedited process, including results of our investigation.
4. Providing bulk Whois information upon request from LEA utilising the expedited process.
5. Acting on instructions from a verified reporting agency.

It is anticipated that these actions will assist agencies in the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties. The relevant agencies are not limited to those enforcing criminal matters but may also include those enforcing civil matters in order to eliminate consumer vulnerabilities.

Upon notification of abusive behaviour by LEA, government or quasi- governmental agencies through the expedited process and verification of the reporting agency, a matter will be immediately communicated to us for our consideration. If we do not instruct ARI to refer the matter to us for our resolution, the CMS ticket will be forwarded to the ARI Abuse and Compliance Team, which will take one of the following actions:

1. The reported behaviour will be subject to preliminary assessment and categorisation as described above. The reported behaviour will then be mitigated based on the results of the categorisation. A report describing the manner in which the notification from the agency was handled will be provided to the agency within 24 hours. This report will be recorded against the relevant CMS ticket.

OR

2. Where specific instructions are received from the reporting agency in the required format, ARI will act in accordance with those instructions provided that they do not result in the contravention of applicable law. ARI will, in accordance with their contractual commitment to us in the form of SLA's, execute such instructions within 12 hours. The following criteria must be satisfied by the reporting agency at this stage:
 - a. The request must be made in writing to ARI using a Pro Forma document on the agency's letterhead. The Pro Forma document will be sent to the verified agency upon request.
 - b. The Pro Forma document must be delivered to ARI by fax.
 - c. The Pro Forma document must:
 - i. Describe in sufficient detail the actions the agency seeks ARI to take.
 - ii. Provide the domain name/s affected.
 - iii. Certify that the agency is an 'enforcement body' for the purposes of the Privacy Act 1988 (Cth) or local equivalent.
 - iv. Certify that the requested actions are required for the investigation and/or enforcement of relevant legislation which must be specified.
 - v. Certify that the requested actions are necessary for the agency to effectively carry out its functions.

Following prompt execution of the request, a report will be provided to the agency in a timely manner. This report will be recorded against the relevant CMS ticket.

Finally, whilst we do not anticipate the occurrence of a security situation owing to our robust systems and processes deployed to combat abuse, we are aware of the availability of the Expedited Registry Security Request Process to inform ICANN of a present or imminent security situation and to request a contractual waiver for actions we might take or have taken to mitigate or eliminate the security concern.

5 RESOURCES

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This function will be performed by ARI. Abuse services are supported by the following departments:

- Abuse and Compliance Team (6 staff)
- Development Team (11 staff)
- Service Desk (14 staff)

A detailed list of the departments, roles and responsibilities in ARI is provided as attachment 'Q28 – ARI Background & Roles.pdf'. This attachment describes the functions of the above teams and the exact number and nature of staff within.

The number of resources required to design, build, operate and support the SRS does not vary significantly with, and is not linearly proportional to, the number or size of TLDs that ARI provides registry services to.

ARI provides registry backend services to 5 TLDs and has a wealth of experience in estimating the number of resources required to support a registry system.

Based on past experience ARI estimates that the existing staff is adequate to support a registry system that supports in excess of 50M domains. Since .SUCKS projects 10,049 domains, 0.0205% of these resources are allocated to .SUCKS. See attachment 'Q28 – Registry Scale Estimates & Resource Allocation.xlsx' for more information.

ARI protects against loss of critical staff by employing multiple people in each role. Staff members have a primary role plus a secondary role for protection against personnel absence. Additionally ARI can scale resources as required.

ARI's Anti-Abuse Service serves to prevent and mitigate abusive behaviour in the TLD as well as activities that may infringe trademarks. These responsibilities will be undertaken by three teams. ARI's Development Team will be responsible for developing the technical platforms and meeting technical requirements needed to implement the procedures and measures adopted to mitigate the potential for abuse, identify abuse and handle identified abuse. ARI's Abuse and Compliance Team will be responsible for the ongoing implementation of measures to minimise abusive registrations and other activities that have a negative impact on Internet users. ARI's Service Desk will be responsible for responding to reports of abuse received through the abuse point of contact on the registry's website and logging these in a ticket in ARI's case management system.

The responsibilities of these teams relevant to the initial implementation and ongoing maintenance of our measures to minimise abusive registrations and other activities that affect the rights of trademark holders are described in our response to Question 29.

All of the responsibilities undertaken by ARI's Development Team, Abuse and Compliance Team, and Service Desk are inclusive in ARI's Managed TLD Registry services fee, which is accounted for as an outsourcing cost in our response to Question 47. The resources needs of these teams have been determined by applying the conservative growth projections for our TLD (which are identified in our response to Question 48) to the team's responsibilities at start-up and on an ongoing basis.

5.1 ARI Development Team

All tools and systems needed to support the initial and ongoing implementation of measures adopted to mitigate the potential for abuse, identify abuse and handle identified abuse will be developed and maintained by ARI. ARI has a software development department dedicated to

this purpose which will ensure that the tools are fit for purpose and adjusted as requirements change.

ARI's Development Team participate actively in the industry; this facilitates collaboration with relevant organisations on abuse related issues and ensures that the ARI Development Team is responsive to new and emerging domain name abuses and the tools and systems required to be built to address these abuses. This team consists of:

- 1 Development Manager
- 2 Business Analysts
- 6 Developers
- 2 Quality Analysts

5.2 ARI Abuse and Compliance Team

ARI's Abuse and Compliance Team will be staffed by six full-time equivalent positions. These roles will entail the following:

Policy Compliance Officers: A principal responsibility of the Policy Compliance Officers will be handling notifications of abuse through the SAPOC. This will involve managing the expedited process, identifying and categorising suspected abuse according to our Anti-Abuse Policy, and carrying out the appropriate mitigation response for all categorised abuses. When abuse is identified, Policy Compliance Officers will investigate other domain names held by a registrant whose domain name is subject to a mitigation response. They will maintain a list of and disqualify registrants found to have repeatedly engaged in abusive behaviour. They will also be responsible for analysing registry data in search of behaviours indicative of abuse, reviewing industry lists in search of data that may identify abuse in the TLD.

Another key responsibility of Policy Compliance Officers will be implementing measures to promote Whois accuracy (including managing and addressing all reports of inaccurate Whois information received from the web submission service) and verifying the physical address provided by a registrant against various databases for format and content requirements for the region.

Policy Compliance Officers will act on the instructions of verified LEA and Dispute Resolution Providers and participate in ICANN and industry groups involved in the promulgation of policies and best practices to address abusive behaviour. They will escalate complaints and issues to the Legal Manager when necessary and communicate with all relevant stakeholders (Registrars, registrants, LEA, general public) as needed in fulfilling these responsibilities. This role will be provided on a 24/7 basis, supported outside of ordinary business hours by ARI's Service Desk. Policy Compliance Officers will be required to have the following skills/qualifications: customer service/fault handling experience, comprehensive knowledge of abusive behaviour in a TLD and related policies, Internet industry knowledge, relevant post-secondary qualification, excellent communication and professional skills, accurate data entry skills, high-level problem solving skills, and high-level computer skills.

Legal Manager: The Legal Manager will be responsible for handling all potential disputes arising in connection with the implementation of ARI's Anti-Abuse service and related policies. This will involve assessing escalated complaints and issues, liaising with Legal Counsel and the registry operator, resolving disputes and communicating with all relevant stakeholders (Registrars, registrants, LEA, general public) as needed in fulfilling these responsibilities. The Legal Manager will be responsible for forwarding all matters requiring determination by the registry operator which fall outside the scope of ARI's Anti-Abuse functions. The Legal Manager will be required to have the following skills/qualifications: legal background (in particular, intellectual property/information technology law) or experience with relevant tertiary or post-graduate

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qualifications, dispute resolution experience, Internet industry experience, strong negotiation skills, excellent communication and professional skills, good computer skills, high-level problem solving skills.

Legal Counsel: A qualified lawyer who will be responsible for all in-house legal advice, including responding to LEA and dealing with abusive behaviour.

The team consists of:

- 4 Policy Compliance Officers
- 1 Legal Manager
- 1 Legal Counsel

5.3 ARI Service Desk

ARI's Service Desk will be staffed by 14 full-time equivalent positions. Responsibilities of Service Desk relevant to ARI's Anti-Abuse Service include the following: responding to notifications of abuse through the abuse point of contact and expedited process for LEA, logging notifications as a ticket in ARI's case management system, notifying us of a report received through the expedited process for LEA, government and quasi-governmental agencies, and forwarding tickets to ARI's Abuse and Compliance team for resolution in accordance with the Anti-Abuse Policy.

For more information on the skills and responsibilities of these roles please see the in-depth resources section in response to Question 31.

Based on the projections and the experience of ARI, the resources described here are more than sufficient to accommodate the needs of .SUCKS.

The use of these resources and the services they enable is included in the fees paid to ARI which are described in the financial responses.

---end of original reponse to Q28

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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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Evolving Style Registry
Application ID	1-2081-48775
Applied for TLD (string)	style

Response:

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.
Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

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As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Aimee Deziel, CEO
Evolving Style Registry

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Respondent:

Applicant Name	Design Trend Registry
Application ID	1-2082-69005
Applied for TLD (string)	design

Response:

This letter is submitted in response to the Governmental Advisory Committee (GAC) Communiqué issued on 11 April 2013 (the “Beijing Advice”) and focusses specifically on the publication of the “Safeguards Applicable to all New gTLD’s” (the “Safeguards”) as contained in Annex 1 of the Beijing Advice.

In short, we are both disappointed and frustrated that the GAC has chosen to step beyond its agreed remit and issue the broad, generic Beijing Advice covering all new gTLD applicants. Module 3 of the Applicant Guidebook, states that “the process for GAC Advice for 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.” We believe the provision of the Beijing Advice covering all new gTLD applications constitutes a material change to the scope and purpose of the Advice which was to have been provided. We see no reason why the Beijing Advice was not confined to targeting specific applications as originally (and reasonably) expected.

We, and no doubt others, are understandably aggrieved at the continued shifting landscape, one which is quite outside the conditions under which our application was submitted. That being the case, we are faced with a choice between a lesser of two evils. The new gTLD program has been subject to repeated and substantial delays and the present issue threatens to add to such by at least a further 3-6 months were the Beijing Advice to be rejected in whole or in part.

Conversely, to avoid delay, we are being asked to agree to provisions in the Registry Agreement (“RA”) that appear at first instance to be both ill-defined and over broad. The RA itself now rather resembles a contract of adhesion – we are in the territory of take it or leave it. Faced with such, we have no option but to agree to the Safeguards in part as further described below.

However, we would flag that such agreement and response is made under severe duress.
Safeguards

Provided below is further detail on the particular Safeguards and our anticipated adherence or otherwise.

1. WHOIS verification and checks

Any requests from the GAC for additional safeguards regarding WHOIS should be addressed by the Board through the work being undertaken by the Expert Working Group on gTLD Directory Services. As this work will ultimately feed into a Board-initiated GNSO Policy Development Process (PDP) to serve as a foundation for the GNSO's creation of new consensus policies and requisite contract changes, this is the more appropriate mechanism for addressing the GAC on this issue. We do not consider it appropriate that the Board would acquiesce to this GAC request while fully aware that policy work on this very sensitive issue is currently underway and that the outcome will be enforced on successful new gTLD applicants through the Registry Agreement. We would also note that the rationale underpinning this Safeguard is already adequately addressed by the WHOIS Accuracy Program Specification appended to the new Registrar Accreditation Agreement (RAA) that all Registrars are required to execute prior to selling any new gTLDs. Such requires detailed verification and checking of WHOIS data, making the Safeguard redundant. On this basis, we do not propose to agree to the application of such in relation to our TLD.

2. Mitigating abusive activity

We agree to the application of such to our TLD.

3. Security Checks

We cannot agree to this Safeguard. Put bluntly, Registry Operators are not, and never have been charged with policing the internet, nor should they be.

In addition, Registry Operators do not have the expertise to carry out the requested "technical analysis". Indeed, only a handful of expert companies globally might have such expertise and the cost of employing such would be prohibitive and again beyond the bounds by which our gTLD Application was submitted.

Quite apart from the above, the Safeguard contains sufficient elasticity of wording as to be rendered meaningless.

4. Documentation

In view of the comments above concerning Safeguards 1 and 3, this Safeguard is redundant.

5. Making and Handling Complaints

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As a Registry Operator, we are already required under the terms of the RA to maintain a point of contact as stipulated in order to receive complaints of the type indicated.

We are willing to agree to the application of such to our TLD on the basis that it is acknowledged that the bar of complaint “handling” is met by our referring such to the appropriate authorities or third party arbiters.

6. Consequences

We agree to the application of such to our TLD.

Registry Agreement

In light of the above, the key question to be considered is how the Safeguards might be incorporated into the RA. At all costs, we must avoid any further delay, including another round of public comments on the inclusion of new text in the RA.

We have considered at length how to achieve such and would respectfully submit that consideration be given to the utilisation of the Public Interest Specification at Appendix 11 of the RA.

Whilst to do so risks the potential for frivolous third party complaints regarding such, it would afford us the opportunity to agree to those Safeguards we are able to and which are not covered elsewhere, whilst avoiding a further round of public comments and the attendant delay.

If ICANN were so minded, we would be willing to consider wording of the following order:-
“Registry Operator will adhere to the following “Safeguards Applicable to all New gTLD’s” as defined by the Governmental Advisory Committee in Annex 1 to its communique dated 11 April 2013:-

- Safeguard 2
- Safeguard 5
- Safeguard 6”

Having explained above that Safeguards 1 and 4 are redundant, such would mean that adherence only to Safeguard 3 is not agreed on the basis of what we consider to be eminently reasonable arguments above.

We trust that the above middle ground will be acceptable to you and once again respectfully request that paramount in this instance be the avoidance of any further delay.

Yours faithfully

Aimee Deziel, CEO
Design Trend Registry

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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, Annex I, and Annex II of the [GAC Beijing 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	Better Living Management Company Limited
Application ID	1-2112-4478
Applied for TLD (string)	THAI

Response:

Dear Dr. Crocker and Members of the ICANN Board:

The management of Better Living Management Limited (BLM) would like respond to the GAC Advice issued in Beijing on 11 April 2013. GAC has listed the gTLD string, .thai under section c, "Strings for Further GAC Consideration".

Upon reviewing GAC Advice on 11 April 2013, the management of BLM attempted to identify and engage the GAC representative, who provided the comments, which led to the gTLD string, .thai to be put up for further consideration by GAC.

We managed to speak to Mr. Wanawit Ahkupatra, Deputy Executive Director of the Electronic Transactions Development Agency (ETDA), which is managed by the Ministry of Science in Thailand. He explained the rationale behind his comments and that he was of the opinion that the word, "THAI" is the geographic name for Thailand.

We have since explained the situation to Mr. Wanawit including the many stringent standards that have been adopted by ICANN to determine whether a string should be considered a geographic name.

After several discussions with Mr. Wanawit and management within the Ministry of Science in Thailand, the Ministry of Science have agreed that all of its concerns have been fully addressed by BLM.

The Ministry of Science in Thailand is willing to issue an official letter to the ICANN Board and GAC in regards to its concerns being fully addressed by BLM and re-iterate its support for BLM to operate the gTLD string, .thai, if necessary.

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The Ministry of Science in Thailand is also considering to send a representative to the next GAC meeting in Durban in July 2013 to officially request to remove the gTLD string, .THAI from GAC Advice.

BLM would also like to inform that it has submitted the official letters of support from four major Government Ministries in Thailand namely Ministry of Interior, Ministry of Industry, Ministry of Information and Communication Technology and Ministry of Science as part of its application for the gTLD string, .thai.

In closing, BLM appreciates the opportunity to respond to GAC Advice and look forward to the approval from the ICANN Board for BLM to delegate and operate the gTLD string, .thai.

Yours sincerely,

Asvin Asvinvichit
Better Living Management Limited

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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 GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti.
Application ID	1-2128-55439
Applied for TLD (string)	persiangulf

Response:

I am writing to you as CEO of Asia Green IT System (hereafter "AGIT"). We are the sole applicant for Dot PERSIANGULF and our application is currently in Initial Evaluation with priority number 1069.

Our application has received no String Confusion Objections, no Existing Legal Rights Objections and no Limited Public Interest Objections. It has received a Community Objection from the Gulf Cooperation Council.

The GAC's Beijing Communiqué dated April 11, 2013 identified Dot PERSIANGULF as a string which may warrant further consideration by the Governmental Advisory Committee and cites the next ICANN Meeting, to be held in Durban (South Africa) from July 14 to 18, 2013, as a possible next step for the GAC in this regard. As such, the GAC has requested that the ICANN Board not proceed beyond Initial Evaluation for this application.

We are more than happy to engage in discussions with both the GAC and the ICANN Board to further explain our plans for this TLD beyond the full application we have already submitted to ICANN. We see this response as part of these discussions and welcome further engagement as required.

However, we feel strongly that we should not suffer unwarranted extra delays at this stage of our application. This TLD stands to have extremely wide reaching benefits. The total population of the countries in the Persian Gulf region exceeds 120 million. All of them feel in some way linked to this region.

We have set ambitious goals for this TLD and these are inline with the goals ICANN and its community have set for the new gTLD program as a whole. The second sentence of the 338-page long Applicant Guidebook reads: "The new gTLD program will open up the top level of the Internet's namespace to foster diversity, encourage competition, and enhance the utility of the

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DNS." We very much share that ambition and we believe that Dot PERSIANGULF, will significantly enhance and empower its users.

Dot PERSIANGULF is historically and culturally linked to the Middle Eastern people but beyond this, it has the potential to cut across national borders and unite the great number of people worldwide that have ties in the region, including businesses, cultural institutions, civil society, NGOs and religious organizations.

Dot PERSIANGULF is not a geographic TLD. We did not class it as such in our application, and this was just recently confirmed by the findings of ICANN's Geographic Names Panel (GNP) (see February 28, 2013 letter from ICANN Vice President, gTLD Operations Christine Willet to the GAC Chair). The GNP found both applications that had self-designated as geographic names yet did not meet the criteria for that classification, and applications that had not self-designated as geographic names but should have done. It found Dot PERSIANGULF to be in neither category, showing clearly that our application does not fall within the geographic names requirements as defined in the Applicant Guidebook (including the requirement for support/non-objection).

Dot PERSIANGULF aims to unite around a common interest. The region has in recent times been named "Arabian Gulf" by some. Throughout history it has been named "Persian Gulf" by most. The name is more cultural than geographical and clearly, no one state can claim exclusive rights to it.

As such, we were naturally dismayed to learn that some countries had called for our TLD to be named in the GAC's Beijing Communiqué. Our understanding is that these are individual initiatives and do not represent the view of the governments as a whole. This important point highlights that although there are differences of opinion in some countries about the term "Persian Gulf", this term does actually represent a very wide community. A quick look at publicly available data on the Internet (such as this: http://en.wikipedia.org/wiki/List_of_countries_by_population) shows that over 77 million people stand to benefit from the creation of a Dot PERSIANGULF.

Clearly, specific interests should not be allowed to derail this application process. Similarly, the GAC should not be used by a few as an avenue to exercise content control and prevent millions from reaping the benefits promised to them by the new gTLD program in general and our TLD in particular.

This was highlighted by the comments made by the Independent Objector when he was called upon to examine our application. The IO considered our application for Dot PERSIANGULF not because he felt it was problematic, but simply because it had received several comments. It is in the IO's purview to determine whether applications that appear controversial should in fact raise concerns. For Dot PERSIANGULF, the IO noted that "most of the comments against the application raise identical issues" and that "there are several comments supportive of the application."

Further, he had the following conclusions:

"The IO is of the opinion that an objection against the gTLD “.persiangulf” on the limited public interest ground is not warranted."

"The IO is of the opinion that it would be unadvisable for him to file an objection against applications for the new gTLD “.Persiangulf”."

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The IO's conclusions show that the case against Dot PERSIANGULF being made to the GAC by the objectors is not as clear-cut as it is made out to be. Clearly, the GAC should not be used to block this TLD through GAC Advice when there is an objection procedure ongoing. That is the right avenue to ascertain whether this TLD application should be allowed to proceed or not. We trust the GAC will agree that it should not be used by objectors as "insurance" against a possible unsatisfactory outcome of the procedures they themselves have initiated through the new gTLD program's objection handling mechanisms.

Best regards,

Mr. Mehdi Abbasnia
Chief Executive Officer
Asia Green IT System
Turkey

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Respondent:

Applicant Name	Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti.
Application ID	1-2130-23450
Applied for TLD (string)	islam

Response:

I am writing to you as CEO of Asia Green IT System (hereafter "AGIT"). We are the sole applicant for Dot ISLAM and our application is currently in Initial Evaluation with priority number 564.

Our application has received no String Confusion Objections, no Existing Legal Rights Objections and no Limited Public Interest Objections. It has received a Community Objection from the Telecommunications Regulatory Authority of the United Arab Emirates.

The GAC's Beijing Communiqué dated April 11, 2013 includes advice to the ICANN Board on our application for Dot ISLAM . Specifically, the GAC said: "The GAC recognizes that Religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed."

This advice is very specifically worded and must be carefully considered to avoid any misunderstanding. It is made by the GAC under Module 3.1 part II of the Applicant Guidebook which states that "The GAC advises ICANN that there are concerns about a particular application "dot-example." The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision."

This advice therefore is not the result of an overall consensus of the GAC. It is, as the GAC highlights in its Beijing Communiqué, the result of some GAC members raising concerns. These concerns and any statements accompanying them, such as the suggestion made in the Beijing Communiqué by the members in question that our application for Dot ISLAM lacks community involvement, cannot be considered as anything more than individual opinions being expressed by at most a few GAC members.

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As the applicants for Dot ISLAM , we stand ready to engage with the ICANN Board to provide in-depth explanations on our TLD and to help the ICANN Board complete the process described under Module 3.1 part II of the Applicant Guidebook.

Dot ISLAM is an ambitious project to bring Muslims together across national borders in a free-flowing exchange of information and commerce. AGIT is based in Turkey, a country often considered a bridge between Europe and the Middle East and between different cultures, including Islam. AGIT was founded by Muslims. We are devoted to our religion, and proud of it. Our aim is to create a quality namespace for the Muslim faithful and those who wish to learn about Islam or interact with Muslims. For the last 8 years, our team has been at the forefront of efforts towards dedicated Muslim domain names. Dot ISLAM is about putting the Internet's vast resources within reach of the Muslim community, whilst also increasing the amount of information and resources about Islam that is available online. We seek to serve the Muslim people, but also all those interested in Islam.

We take our responsibility towards the Internet users that will be served by Dot ISLAM very seriously indeed. AGIT will be putting measures in place to limit second-level domain registrations to those of Muslim faith or with a positive interest in the Muslim community. Due to the complexity of enforcing this through a set of standard registration rules, Dot ISLAM registrants will be asked to self-impose their commitment to proper behaviour within this TLD and will be provided with mechanisms to report abusive, irrelevant or anti-Muslim registrations.

As Dot ISLAM operator, we will not tolerate radical content or criticism of Islam and the Muslim faith, and we will take immediate and severe action against this should it occur. We will strive to ensure Dot ISLAM is both an abuse-free TLD and one that is open to those who respect our faith. This will be accomplished with Registration safeguards, keyword alerts, name selection policies, all governed by an Acceptable Use Policy and post registration protections.

We have gone to great lengths to ensure Dot ISLAM meets the highest possible standards of quality. Our application has received letters of support from, amongst others, the media, civil society, religious organisations, public figures and NGOs. We have received letters of support from prominent members of the Muslim community, such as former Malaysian President Dr. Mahathir Mohammad, and such countries as Turkey, Lebanon and Pakistan and the Muslim communities in countries in Europe and even South America.

Being supported by the Islamic community and operating our TLD in a way which meets with the requirements of that community is also something we have been working hard towards. Some of the initiatives we have currently ongoing to reach these objectives include:

Creating a Dot ISLAM Policy Advisory Council (PAC): We have been working with Internet public policy experts to draw up a governance plan for Dot ISLAM. The PAC is a result of this work. It would exercise an oversight function on the operation of the TLD in areas such as registration policies, dispute resolution and content monitoring. The PAC would include representatives of 3 main groups that make up the Muslim community:

- a. governmental representatives,
- b. religious leaders
- c. civil society

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Ideally, the PAC would be chaired by a representative of one of the international Islamic Organisations such as OIC (Organization of the Islamic Conference) or ICCI (Islamic Chamber of Commerce and Industry) or their subsidiaries.

As part of our drive to actively support the Muslim community, we have decided that part of the revenue obtained from operating Dot ISLAM would be assigned to it. The PAC would oversee the selection of programs and initiatives slated to receive this financial support.

We have also communicated with the OIC and sent our proposals for the governance of Dot ISLAM to them. We have also communicated with the ICRIC (Islamic Chamber Research and Information Center). ICRIC is established in 2003 and acts within the framework of its articles of association approved by the Islamic Chamber to bolster trade and economic exchanges between Islamic countries.

We have also been working with the new gTLD program's Independent Objector (IO). The IO considered the case of Dot ISLAM and said: "the IO is of the opinion that an objection to the launch of the new gTLD “.Islam” on the limited public interest ground is not warranted. Quite the contrary, the gTLD could encourage the promotion of the freedom of religion, a fundamental right under public international law, by creating and developing a new space for religious expression that could benefit the Muslim community."

The IO's determination is crucial because of the sensitive nature of strings such as Dot ISLAM. For the new gTLD program to achieve its objectives, we as a community must abide by some key general principles at all times. Questions of religion are of paramount importance. In some countries, they play a key part at the highest levels of social, political and economic areas. But the way these issues are considered will vary from country to country, from jurisdiction to jurisdiction and according to different cultural orientations. Simply put, there is no one size fits all here and this is precisely why the new gTLD program has been designed not to put ICANN in the position of having to try and determine a uniform solution to a situation that has many shapes and sizes.

As I have stated above, we understand the responsibility of operating this TLD with the appropriate respect for Muslims all over the world. This TLD is not just for one part of the Muslim community, and the ICANN Board should not limit its analysis of our application to one opinion or one perception.

This was evidently the approach taken by the GAC, as shown by the advice received which clearly states that the advice provided is not the result of GAC-level consensus but instead, reflects the opinion of just a few individual members. One such member is the UAE and as mentioned previously, before pushing for the comments made on Dot ISLAM to be included in the GAC's Beijing Communiqué, they had opted to work through the new gTLD program's objection procedure to bring their disagreement with our proposed TLD to the fore.

We believe this is the better avenue to determine whether our application should proceed and we therefore do not understand why this GAC member has also chosen to push the GAC to include Dot ISLAM in its Communiqué, unless there is a lack of confidence in the arguments presented against our application through the objection process and a desire to attempt to try and force their opinion by another mechanism.

This is not the way these issues should be considered. It is not fair on applicants like us, who have followed the new gTLD program's requirements to the letter and in spirit, and have played by its

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rules as laid out in the Applicant Guidebook. It is not fair on the ICANN Board who is being placed in a position to judge what it should not have to. And it is not fair to the Internet users who stand to benefit greatly from the creation of a specific TLD for Islam.

We therefore urge the ICANN Board to let our application for Dot ISLAM work through the process established for the new gTLD program.

As CEO of the company behind what I sincerely believe will be a landmark TLD embodying all of the new gTLD program's ambitions of opening up the Internet's namespace to communities that have not had good access to it before, I would be personally be very happy to speak with the Board and answer any questions Board members may have as they prepare to make a determination on Dot ISLAM and provide the GAC with their rationale on this issue.

Best regards,

Mr. Mehdi Abbasnia
Chief Executive Officer
Asia Green IT System
Turkey

P.S.: In addition to the information contained in this letter, please find attached a list of the support received for Dot ISLAM (and another of our applications, Dot HALAL). I also attach for your information the first draft of the Dot ISLAM governance model which will provide you with detailed insight into the initiatives we are working on to endow Dot ISLAM with a robust, fair and effective governance mechanism.

Who support .ISLAM and .HALAL new gTLDs?

.ISLAM and .HALAL new gTLDs, applied for through Asia Green IT System have received several endorsement letters from different Islamic organizations and famous people around the world, and from different branches of Islam (Shia and Sunni as the main branches).

AGIT as the Muslim company applying for .ISLAM and .HALAL gTLDs, has an ongoing task to promote .ISLAM and .HALAL new gTLDs to the Muslim community to receive new supporting letters.

As a strategic approach, AGIT is trying to make International Islamic organizations like Organization of Islamic Cooperation (OIC), or Islamic Chamber of Commerce and Industry (ICCI) to be involved in the governance of .ISLAM and major Halal certification bodies to be involved in .HALAL policy making. Although it is hard to contact such huge organizations (OIC is the second largest international organization after UN), and very hard to explain the concept of TLD in their managerial positions (since most of high level managers in these organizations forward our letters to lower technical staff considering them as less important and more technical cases), but eventually we found the correct entities to sponsor .ISLAM and .HALAL gTLDs in terms of making decisions and policy making. After many meetings we have recently been succeeded in getting **Islamic Chamber Research and Information Center (ICRIC)**'s supporting letter for .ISLAM. Earlier we have also been succeeded in involving HALALWORLD, the only HALAL certification body which is accepted by all Islamic countries. (There are many Halal certification bodies around the world but all of them are supported by one or few countries. HALALWORLD is OIC's Halal certification standard project which is accepted by all Islamic countries)

Since getting the supporting letter, our decisions with them has improved in principle agreement of ICRIC-OIC to become a partner in the project and take a leadership role beyond support.

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In particular they could act as a potential sponsoring organization. We currently are working out the formalities of such relationship.

Islamic Chamber Research and Information Center (ICRIC) in association with the **Islamic Chamber of Commerce and Industry (ICCI)** which is under the umbrella of the **Organization of the Islamic Cooperation (OIC)** was established in 2003. ICRIC has a Board of directors consisting of 9 members from Malaysia, Jordan, Iran and Egypt plus Secretary General of ICCI and acts within the framework of its articles of association approved by the Islamic Chamber and with regard to 16 strategic principles included in its mandate for elevation of trade and economic ties among Islamic Countries.

AGIT has also recently started to open the opportunity to Muslim people to express their interest in .ISLAM and .HALAL gTLDs through online social media like Facebook (<https://www.facebook.com/DotIslam> and <https://www.facebook.com/GotHalal>) with thousands of fans.

List of .ISLAM and .HALAL gTLD supporters (updated on May 5th, 2013):

Access to the last updated PDF version of letters: <http://www.agitsys.com/pdf/dot-ISLAM-support-letters.pdf>

1. Major Organizations / Associations / Leaders representing Muslim populations:

1.1. Islamic Chamber Research and Information Center (ICRIC) (.ISLAM and .HALAL)

ICRIC is a subsidiary of **Islamic Chamber of Commerce and Industry (ICCI)** which is under the umbrella of Organization of Islamic Cooperation (OIC). ICRIC is responsible for research and information activities of ICCI and operates some of OIC and ICCI's

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projects. OIC has created ICCI in line with the goal of development for all Islamic communities, and its continuous consideration on the promotion of commercial and economic relations among its Member States to achieve the goal of sustainable and comprehensive development. ICRIC acts as the research and development wing of ICCI in terms of new ideas and technologies, so when contacting OIC's different sections, we were forwarded to ICRIC as the most relevant subsidiary of OIC and ICCI.

After several meetings with the general secretariat of ICRIC, we finally got their support of .ISLAM new gTLD, but we still have more negotiations to establish a formal cooperation in the governance of .ISLAM (maybe as one of their projects).

Link to download the letter (.ISLAM): <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-ICRIC.pdf>

Link to download the letter (.HALAL): <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-ICRIC.pdf>

1.2. Dr. Mahathir Bin Mohamad (.ISLAM)

The former president of Malaysia and the man who moved Malaysia to an advanced country. He is with no doubt the most popular figure in Malaysia and many other countries. Dr. Mahathir was one of the first who supported us and his support has brought a great credit for AGIT, because everybody knows that he will not support a non-eligible entity to hold the sensitive TLD of .ISLAM.

Malaysia has a 14.5 million Muslim population and we believe Dr. Mahathir Bin Mohamad is the best representative of this community.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-Dr. Mahatir Mohamad.pdf>

1.3. The Management Center for Islamic Schools of Thought (.ISLAM and .HALAL)

The management center for **Twelver** or **Imami** Shia Schools of thought (Hawza's) in Turkey, Azerbaijan, Iran, Iraq, Pakistan, India, Bahrain, Syria, Lebanon etc... operate under this center's supervision. (<http://en.wikipedia.org/wiki/Hawza> and http://www.nationmaster.com/graph/rel_isl_shi-religion-islam-shia)

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Shia's population is around 200 Million. 85% of them (170 Million) are **Twelver** or **Imami Shia's**. All Imami Shīa's follow the thoughts of religious leaders which are trained in schools of thoughts in different countries under the supervision of this center. This center is the main training management system of Shia schools in terms of religious content and can be counted as the representative of **170 million Twelver or Imami Shia's** around the world.

Making them attracted to support .ISLAM was hard and time consuming process, following their deep investigations on the eligibility of AGIT to operate .ISLAM TLD.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM_SHIA_HALAL-Center_of_Management_of_School_of_Thoughts.pdf

1.4. The World Forum for Proximity of Islamic Schools of Thought (.ISLAM and .HALAL)

The World Forum for Proximity of Islamic Schools of Thought is a multi cultural organization that several hundreds of Islamic leaders (both Shia and Sunni) cooperate with, in its consideration about creation of peace and proximity between different Islamic sects.

The forum holds the "Islamic Unity Conference" each year with participants from around the world, including mostly religious leaders of different Sects of Islam. The followers of these leaders are Muslims from all sects of Islam all around the world.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM_SHIA_HALAL-World_Forum_for_Proximity_of_Islamic_Thoughts.pdf

1.5. HALAL WORLD Center (.HALAL)

Halal Research& Development Center (HALAL WORLD) is the unified Halal standard and certification project of Islamic Chamber Research and Information Center (ICRIC). ICRIC operates under Islamic Chamber of Commerce and affiliated with OIC.

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-HalalWorld.pdf>

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1.6. Islamic Center Hamburg, *Germany (.ISLAM)*

Germany has the largest Muslim population in Western Europe after France. Approximately 3 to 3.5 million Muslims live in Germany, and 80% of them do not have German citizenship; 608,000 are German citizens. 70% of the Muslim population is of Turkish origin. (<http://www.euro-islam.info/country-profiles/germany/>)

The **Islamic Centre Hamburg** (German: *Islamisches Zentrum Hamburg*) is one of the oldest Shia mosques in Germany and Europe.

Established in Hamburg, in northern Germany, in the late 1950s by a group of Hamburg-based emigrants and business people it rapidly developed into one of the leading Shia centers in the Western world.

Muslim groups of different nationalities get together for regular meetings, prayers, lectures, seminars, readings, Islamic festivals, funerals, etc. For interested people there is always opportunity to learn Arabic. Under Islamic rules, marriages are implemented. There are experienced theologians dedicated to help people who have psychological or family problems as well as those who have been newly converted to Islam. The Islamic Centre is regularly visited by schools, church communities and other interested groups from Hamburg and the nearby towns. Lots of organizations, lectures and discussions have been held to get rid of prejudices about Islam and to develop a better understanding of Islam. Our centre and Mosque may be visited at appropriate times.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Germany_Islamic_Center_Hamburg.jpg

1.7. Islamic Shiite High Council, *Lebanon (.ISLAM and .HALAL)*

One of the highest level Islamic centers in Lebanon: <http://www.shiitecouncil.gov.lb/> and <http://www.shiitecouncil.org/>

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Islamic-Shia-High-Council.jpg

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1.8. Islamic Academy, *Germany (.ISLAM)*

One of the oldest and most well-known Islamic educational centers in Germany with over 50 years of activity. Many Islam fans are trained in this center.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Germany Islamic Academy Germany.jpg>

1.9. The ECO cultural institute (*.ISLAM and .HALAL*)

ECO Cultural Institute is one of the specialized agencies under the Economic Corporation Organization (ECO), an intergovernmental organization consisting of Islamic State of Afghanistan, Azerbaijan Republic, Islamic Republic of Iran, Republic of Kazakhstan, Kyrgyz Republic, Islamic Republic of Pakistan, Republic of Tajikistan, Republic of Turkey, Turkmenistan and Republic of Uzbekistan. Among ECO member states, 9 out of 10 are members of OIC. ECO Cultural Institute has supported .ISLAM as a subsidiary of the Economic Corporation Organization (ECO) which is most likely related to governmental attitudes of its member states.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-SHIA-HALAL-ECOECI.pdf>

1.10. Association ALGhadir Islamique, *France (.ISLAM)*

A Shia Islamic training institute in France (with 350,000 Shia's out of 5 million Muslims)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM France Association ALGhadir Islamique.jpg>

1.11. Centro Islamico No *Brasil (.ISLAM)*

The main Islamic organizations in Brazil (Muslim population of around 900,000) (<http://www.nationmaster.com/graph/rel isl num of mus-religion-islam-number-of-muslim>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Islamic Center in Brazil.jpg>

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1.12. Islamic Institution Arresalla, Brazil (.ISLAM)

An Islamic institute offering cultural, religious services to a large group of Muslim community in Brazil.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Islamic Institution Arresala.jpg>

1.13. Association Culturelle Musulmane de Roissy en Brie, France (.ISLAM)

The cultural Islamic association in Roissy, and the founder of Roissy mosque (<http://www.leparisien.fr/roissy-en-brie-77680/feu-vert-pour-la-mosquee-de-roissy-en-brie-26-01-2009-387205.php>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM France Association Culturelle Musulmane de Roissy en Brie.jpg>

1.14. Muslim Religious Community, Belarus (.ISLAM)

The main organization of Muslims in Belarus (total Muslim population: 51,000)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Belarus Muslim Religious Community.jpg>

2. Islamic Institutes / NGOs in Muslim Countries:**2.1. Islamic United Council, Pakistan (.ISLAM)**

One of the main Islamic Societies in Pakistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Islamic United Council.jpg>

2.2. Islamic Unity Magazine (Wahda Islamiya), Lebanon (.ISLAM and .HALAL)

The Lebanese Islamic organization's magazine on the unity of Islam Branches:
<http://wahdaislamyia.org/>

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Islamic-Unity-Magazine.jpg](http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Islamic-Unity-Magazine.jpg)

2.3. Aras Justice, Freedom and Solidarity Association, Turkey (.HALAL)

Established in 2012 in Istanbul, As a Non-government and non-profit organization, Aras's mission is to support victims and protect their rights and help them to solve their problems. And creating public awareness in order to uphold political freedom and prevent inhumane conduct.

For this reason, Aras organizes panels, Symposiums and conferences in Turkey and Azerbaijan. Aras is kept public informed through the release of periodicals, press releases. Aras makes use of the internet, as well as radio and TV broadcasts preparing, organizing contests, demonstrations, dinners and evening performances.

Apart from these, Aras finances scholarships for poor student and opens the student dormitory.

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS HALAL Turkey ARAS Justice Freedom and Solidarity Association.pdf](http://www.agitsys.com/pdf/supports-islam/LOS_HALAL_Turkey_ARAS_Justice_Freedom_and_Solidarity_Association.pdf)

2.4. Beyan Cultural Center, Turkey (.ISLAM and .HALAL)

Beyan started its activities in 2012 in Istanbul. The main object of the Beyan Cultural Center is to provide better understanding of Islam for Muslims and non-Muslims in Turkey. Therefore, they organize such activities as conference, symposium, and meetings.

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Turkey Beyan Cultural Center.pdf](http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Beyan_Cultural_Center.pdf)

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Levent, Istanbul, Turkey

2.5. Kudus-Der, Turkey (.ISLAM)

Founded in 2012, the association's headquarters in Istanbul. The association was founded to help the Palestinian people.

Kudüs Der assistance not only humanitarian aid but also inform Turkish public about Palestinian issue by organizing media conferences, meetings in Turkey.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Turkey-Kudus-Der.pdf

2.6. Halal Supreme Council, Iran (.HALAL)

Link to download the letter: http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-Supreme_Council.pdf

2.7. Fatih Akincilari Social and Cultural Association, Turkey (.ISLAM and .HALAL)

Akincilar social solidarity and cultural association was founded in the 1970s in Istanbul district Fatih.

Akincilar aims to meet the needs of those who are suffering poverty or hunger.

Social Aid: food aid and organizations during the Ramadan fast-breaking dinner, Qurban programs.

Educational Aid: delivering school bags, educational sets, and supplementary materials to needy students.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Akincilar_Social_Solidarity_and_Cultural_Association.pdf

2.8. Association of Development, Promotion, Production and Trade of Halal Products, Iran (.HALAL)

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-Association.pdf>

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2.9. Diplomatic Correspondents Association, *Pakistan (.ISLAM)*

The association of Diplomatic Journalists of Pakistan, with thousands of members, all active in the media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan DCAP.jpg>

2.10. Peoples Youth Organization, *Pakistan (.ISLAM)*

A famous civil social Islamic organization, very active in Islamic cultural activities in Pakistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Peoples Youth Organization.jpg>

2.11. The Danish-Palestinian Friendship Association, *Denmark (.ISLAM)*

An NGO active in Humanity helps to Palestinians

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Denmark Danish-Palestinian Friendship Association.jpg>

2.12. Brasil Halal Foods, *Brazil (.ISLAM and .HALAL)*

The main institute in Brazil working as a certification body for Halal foods (Foods certifying Islamic criteria on religious approved foods and drinks) (<http://en.wikipedia.org/wiki/Halal>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Brazil Halal Foods.jpg>

2.13. Halal Export Consortium, *Iran (.HALAL)*

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-ExportConsortium.pdf>

2.14. Baheth Center for Palestinian Studies, Lebanon (.ISLAM and .HALAL)

An Islamic Educational institute for Palestinian Strategic Studies:
<http://www.bahethcenter.net>

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Baheth-Center-for-Palestine-Studies.jpg>

2.15. Iran-Tajikistan Friendship Association, Iran-Tajikistan (.ISLAM and .HALAL)

A multinational NGO working on cultural activities to tighten the relationships of Farsi-Speaking Muslims in Iran and Tajikistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-HALAL-ITFA.pdf>

2.16. Ehlibeyt Alimleri Derneği / Ehla Der, Turkey (.ISLAM and .HALAL)

Ehlibeyt Alimleri Derneği (Association of Ahlulbayt Scholars) was founded in May 31, 2011 in Istanbul.

The short name is Ehla-Der and the Head Office is in Yenibosna - Istanbul. Currently, 18 people work in Headquarters Building. There are 190 Ahlulbayt Scholar members of the association who work in different cities in Turkey.

The purpose of Ehla-Der is contributed to the spread of social unity and brotherhood in the country. And provide correct information about Ahlulbayt.

Ehla-Der organizes cultural and social activities throughout Turkey.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Turkey Ehla Der-Association of Ahlulbayt Scholars.pdf>

2.17. Dar El Feta El Jafari, Lebanon (.ISLAM and .HALAL)

An Islamic Shia religious educational center in Lebanon

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Dar-Al-Fata.jpg>

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3. Famous Muslim Researchers / Academic people:

3.1. Mr. Nureddin Sirin, Turkey (.ISLAM)

Well-known journalist by Islamic circles in Turkey. He was born in Trabzon and knows English, Arabic and Persian.

He has worked as a journalist with different News Papers and Magazines till 1997. In 1997 military memorandum he was arrested and sentenced to a prison term of 17.5 years, in the prison Type-F of Kandira. He released in 2004. During that time his name has become a symbol for victims.

He currently works for Kudüs TV.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Nurettin-Sirin.pdf

3.2. Dr. Pere Michel Lelong, France (.ISLAM)

Famous Islamologist in France with lots of researches and publishing.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_France_Pere_Michel_Lelong.pdf

3.3. Dr. Majid Tafreshi, UK (.ISLAM and .HALAL)

University Professor and history Researcher, and the manager of a cultural publishing institute.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-Dr.Tafreshi.pdf>

4. Newspapers / Media / Publications:

4.1. Medyam 14 Radio TV, Turkey (.ISLAM and .HALAL)

Medya On4 Radyo Televizyon Yayıncılık A.Ş is the owner of On4 TV; On4 TV is a nation-wide television channel in Turkey. The channel was established by the Turkish businessmen in 2012.

On4 TV delivers the latest breaking news and information on the latest top stories, weather, business, entertainment, politics, and more.

Headquarters is located in Istanbul and more than 100 journalists, reporters etc. work in it.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-SHIA-HALAL_Turkey_Medyam_14_RadioTV.pdf

4.2. Kevser Basın Yayın Organization, Turkey (.ISLAM and .HALAL)

Kevser Basın Yayıncılık (Kevser Press Publishing) has about 200 branches and distribution networks throughout Turkey and 10 distribution networks abroad. Headquarters is located in Istanbul Asaray and one of the leading Press publishing companies in Turkey.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Kevser_Press_Publishing.pdf

4.3. Al Ahed News, Lebanon (.ISLAM and .HALAL)

Lebanese Islamic News Agency: <http://alahednews.com.lb>

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Al-Ahd-News.jpg

4.4. Daily Nijat, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Daily_Nijat.jpg

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Levent, Istanbul, Turkey

4.5. Al Bilad Magazine, Lebanon (.ISLAM and .HALAL)

Islamic Cultural monthly magazine in Lebanon

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Al-Bilad-magazine.jpg>

4.6. Daily Spokesman, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Daily Spokesman.jpg>

4.7. Daily Wisdom, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Daily Wisdom.jpg>

4.8. Inbaa News, Lebanon (.ISLAM and Halal)

News agency in Lebanon

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Inbaa-News-Agency.jpg>

4.9. Mr. Malik Abdul Qayum Khan, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Malik Abdul Qayum Khan.jpg>

4.10. Haqooq Ul Awam, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Haqooq Ul Awam.jpg>

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4.11. Page International, *Pakistan (.ISLAM)*

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Page International.jpg>

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.ISLAM gTLD Governance Proposal

**A draft proposal on .ISLAM new generic Top Level
Domain Management and Policy Development
System**

***This is a draft, evolving version and not
yet edited by English speakers.
February 2013, Version 2***

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Section I: General Information about the Applicant

Executive Summary

Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti. (AGIT) is an Information and Communication Technology (ICT) solutions and service provider with a highly competent management team, powerful strategic alliances, and strong customer orientation.

AGIT -with a team of more than 20 years of professional experience in ICT industry- is one of the leading private ICT companies which has successfully designed and implemented mega ICT projects in the Middle East. Since 1989, the team behind AGIT as one of the leading teams in ICT field has actively focused on following sections of ICT that made the company a reputable brand in the Middle East:

- Consultation
- Execution of ICT Turnkey Projects
- Provision of ICT Total Solutions
- System Integration
- Provision of high-end enterprise level ICT products
- Value added services and support

To assist its expansion of objectives, AGIT has forged numerous business relationships with prominent local and international players in the ICT industry.

AGIT as one of its main objectives on becoming more active in the internet infrastructure, has recently applied for new Top Level Domains by targeting the Muslim and Middle Eastern markets as the next billion internet users.

Vision:

By 2017, AGIT shall be the excellent, number one ICT solution provider and Internet Company with world class standards in the Middle East region.

Mission:

AGIT's mission is to expand the usage of ICT and Internet among the Middle East and Muslim countries' citizens by establishing Internet Registry Services as an infrastructure.

AGIT plans to consistently provide ICT products, solutions and services that meet customers' satisfaction through highly skilled people, industry aligned processes and strategic partnerships.

1. Creating innovative, unique, and cost-effective ICT solutions
2. Delivering products and services more effectively and efficiently
3. Committing toward employees improvement
4. Providing fast and reliable technical assistance for customers

Strategy:

AGIT, on its way to its vision, has focused on internet's new gTLD program as the next generation of accessibility tool on the internet. AGIT believes in this project as an opportunity for the next billion internet users to have better access to the new world's information, pushing them toward new successes based on the knowledge they achieve.

Middle East, as a multi-language, multi-cultural developing region, is an important market for every business, in which AGIT will invest more and more to leverage its dominancy on the information market. Based on this belief, AGIT has focused on "**The Muslim Community**" as its main target market.

The Muslim community is one of the most important markets for every business with over one billion population around the world. **Middle East** is the origin of Islam and one of the most important and key regions of the world for this community.

AGIT, thanks to its localization in Turkey, has a smooth and easy access to its target audiences, which brings many advantages for it. This accessibility to the target market, in addition to business ideas behind domain name industry and services, and the untouched markets in the region, has formed AGIT's business strategy.

Core Values:

1. *Passion for Excellence*

- Striving to be great and not just good; continuously improving results,

2. *Professional Discipline*

- With strong work ethic; deserving of others' trust and respect; using company resources prudently; acting with fairness and objectivity; being accountable for one's actions.

3. *Teamwork*

- Actively tapping areas of synergy; communicating and collaborating towards common goals. AGIT believes in TEAM "Together Everyone Achieve More"

4. *Loyalty*

- A good corporate citizen; pursuing corporate interests as one's own; speaking well of the company and taking pride in its achievements

Value Proposition:

AGIT has to insist of using resources to supply greater value to clients in different aspects:

5. *Quality*

- Comprehensive quality systems for various processes

6. *Services*

- On time, on-budget project delivery

7. *Partnership*

- Being partner for customers rather than a mere vendor

8. *Knowledge Management*

- AGIT has a Knowledge Base library containing all processes and repeatable solutions acquired from 20 years of ICT experience.

9. *Wide spectrum of ICT Solutions and Services*

- AGIT offers complete solution to its customers with various ICT technologies, products and services.

10. *Value for Money*

- AGIT delivers the best benefits to its customers' ICT investment.

11. *Continuous Technology Adaptation and Innovation*

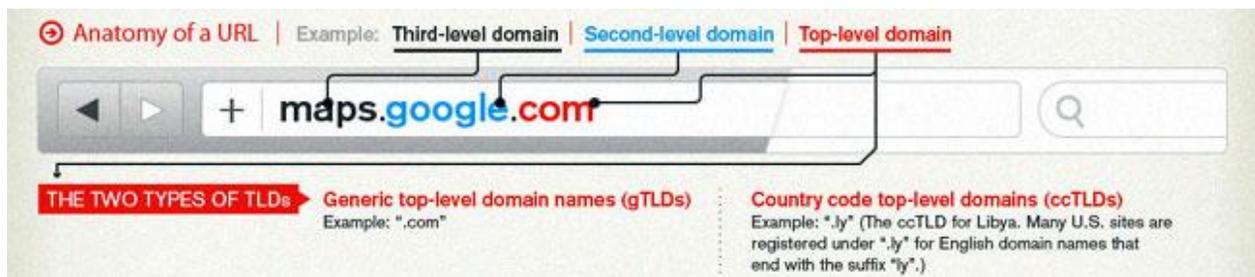
- AGIT maintains numerous partnerships with key industry players for easy access to latest innovations.

Section II: Domain Names, ICANN & the new gTLD Program

The Domains¹

A domain is the name that identifies a web site. Each domain is unique within the Internet. The www.AGIT.com domain belongs to this page you are viewing, and no other. A single web server can serve many pages of several domains, but a domain can only have one web server.

Domains normally consist of three parts: *the three www, the name of the organization (AGIT) and the type of organization (com).*



The last part of a domain name (the extension) is called the “**Top Level Domain (TLD)**”, and the standards for assigning top level domains are established through an international organization, the **Internet Corporation for Assigned Names and Numbers (ICANN)**, www.icann.org.

There are two types of top level domains (TLDs): *generic* and *country code*.

Generic names (gTLDs) were created for the public use of the Internet, and the **country code domains (ccTLDs)** to be used individually in each one. Generic names can be .com, .org, .net, .info .gov, .mil or .int. Country codes are, for example, .uk, .de, .tr or .fr.

¹ Reference: Wikipedia (http://en.wikipedia.org/wiki/Domain_name)

ICANN²

The Internet Corporation for Assigned Names and Numbers (ICANN) is the non-profit multi-stakeholder governing and policy body of the worldwide Internet naming system, which coordinates unique identifiers across the world, with the purpose of maintaining one global, safe and secure Internet.

In addition to providing technical operations of vital DNS resources, ICANN also defines policies for how the names and numbers of the Internet should operate. Through open forum meetings, grassroots participation, and conscientious inclusion of individuals in the public and private sector and governments, policies are based on thorough review and consensus building.



History of generic Top-Level Domains³

Soon, the Internet will change in a major way. ICANN (Internet Corporation for Assigned Names and Numbers), the non-profit organization that oversees the Internet's domain name system, plans to open its doors to new gTLD (generic top-level domain) applications.

Currently there are 21 gTLDs in use on the Internet today. A Top-level domain is what Internet users are accustomed to seeing on the right-most side of a domain name, e.g. .com, .net, and .org.

The introduction of new gTLDs will add a wide variety of new extensions for consumers to choose from. We expect a steady stream of innovation to take place in the next few years as the new gTLD program takes off. The information below should give you an idea of what is to come.

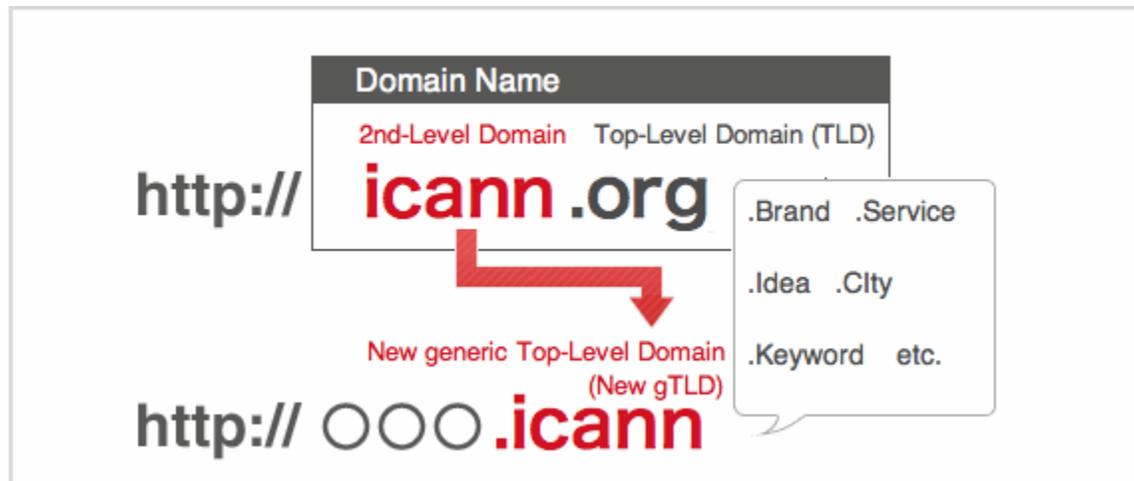
Expansion Period	Top-Level Domains
Original gTLDs (Prior to 1998)	.com .net .edu .gov .int .mil .org .arpa
1st gTLD Expansion (2000)	.aero .biz .coop .info .museum .name .pro
2nd gTLD Expansion (2004)	.asia .cat .jobs .mobi .tel .travel

² References: ICANN website (www.icann.org), Wikipedia (<http://en.wikipedia.org/wiki/ICANN>)

³ Reference: ICANN New gTLD Program website (<http://newgtlds.icann.org/en/about/program>)

Launch of the New gTLD Program⁴

In June 2011, ICANN's Board of Directors authorized the launch of the New gTLD (generic Top-Level Domain) Program, which would add new web address endings to what already included .com, .org, .edu and others.



The program's goals include enhancing competition and consumer choice, and enabling the benefits of innovation via the introduction of new gTLDs. The program was introduced in June 2008 and has gone through a thorough multi-stakeholder review process that resulted in an Applicant Guidebook that outlines all details of the initiative.

⁴ Reference: ICANN New gTLD Program website (<http://newgtlds.icann.org/en/about/program>)



Section III: .ISLAM Top Level Domain



Introduction:

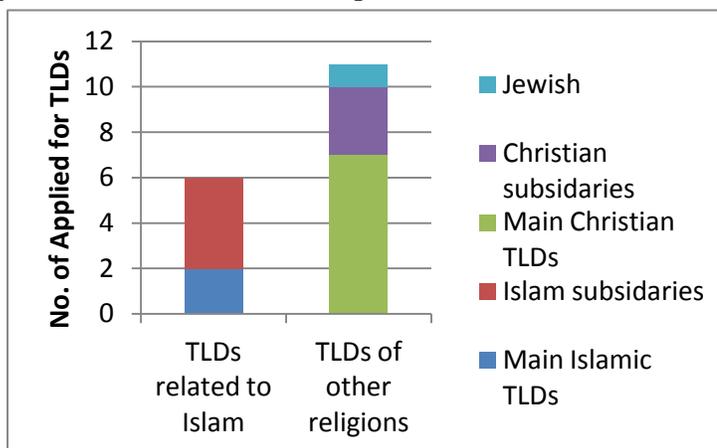
Internet is facing the biggest change in its history. New brands, ideas, groups, communities... have now found the chance to apply for their own specific space on internet naming system through ICANN's new gTLD program.

One of the most interesting points of this courageous program was the motivation which was created among communities to try to represent their specific webspace on the internet by applying for their own TLD; and the religious communities were among them as well.

AGIT as a Muslim company was a pioneer in using this opportunity with the philosophy of providing new internet presence opportunity for Muslims around the world. Described below are some facts and statistics about ICANN's new gTLD Program and AGIT's ideas for the proposed .ISLAM generic Top Level Domain:

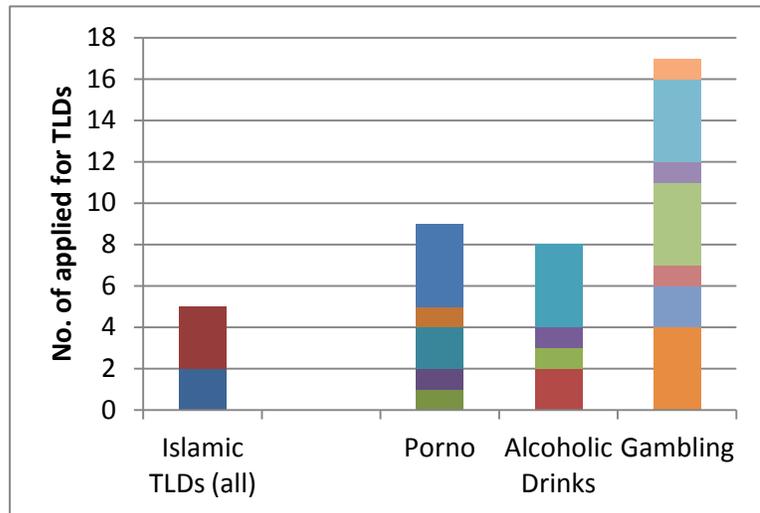
Facts and statistics about Applied for new gTLDs:

- ❖ A total number of **1930 applications have been submitted to ICANN for 1470 TLDs**. It means that around 1400 new top level domains will be added to the current internet infrastructure, each of them explaining a specific field of business, brand, community, nationality etc...
- ❖ A majority of these TLDs have been applied for, from non-Islamic countries. The **share of Islamic countries** in the future of internet will be is very low in comparison to the share of Muslim population in the world. (just 3.3% of TLDs, in comparison to 20% of the world population)
- ❖ A total number of 17 applications have been submitted for TLDs which were related to religious concepts. If all of them approve, Christians will own 56.25% of all religious TLDs and Muslims will have 37.5%.



- ❖ The number of applications for TLDs inconsistent with Islamic values (gambling, porno, etc...), are 34 in comparison to 6 Islamic TLDs.

It means, if all being approved, internet will be mostly a host for Domain names inconsistent with Islamic values in the future. So Muslims must support their own internet domain names.



Facts about AGIT's activities and application for .ISLAM:

- ❖ AGIT is **the only Muslim company** applying for .ISLAM as the most important faith TLD for the Muslim community, although everybody expected more activity from the companies and organizations in the Islamic countries. In a very simple rule of thumb, we can feel the activity of other religions' main leading reference (e.g. Christian organization) and the inactivity of main Islamic organizations on the other hand, which is an evidence on the presence of the **“Digital Gap”** between these countries. The “Gap” AGIT hopefully efforts to decrease through .ISLAM gTLD.

In other word, AGIT was the only Islamic entity which understood the lack of Muslim's power on the internet, (while many rich companies were just thinking about pure business TLDs), and tried to act in a way to bring back the power of governing the internet to the Muslim community.

- ❖ In its commitment to the growth and development of the Muslim community, AGIT's BoD has decided to **contribute** a specific part of .ISLAM gTLD financial revenues to the projects done by major Islamic organizations in Islamic countries. These contributions will take place as donations to specific programs/activities by the decision of .ISLAM Policy Advisory Council (will be explained later in this document).

Why .ISLAM?

There are hundreds of millions of Muslims worldwide, practicing their faith in a huge variety of different ways. They are a disparate group, yet they are united through their core beliefs. They are a group whose origins are found some 1400 years in the past, their ethnicity often inextricably linked with their faith. Hitherto, however, there has been no way to easily unify them and their common appreciation of Islam. **The .ISLAM gTLD will change this.**

The majority of Muslims are Sunni, being 75-90% of all Muslims. The second largest sect, Shia, makes up 10-20%. About 13% of Muslims live in Indonesia, the largest Muslim country, 25% in South Asia, 20% in the Middle East, 2% in Central Asia, 4% in the remaining South East Asian countries, and 15% in Sub-Saharan Africa. Sizable communities are also found in China, Russia, and parts of Europe. With over 1.5 billion followers or over 22% of earth's population, Islam is the second-largest and one of the fastest-growing religions in the world.

A robust gTLD has the power to bring together Muslims across national borders in a free-flowing exchange of information and commerce.

There is not a .COM or .ORG equivalent of .ISLAM, a domain that has universal appeal across a common religion. Asia Green IT System (AGIT) was founded in, and as is headquartered in, Turkey (an Islamic nation that straddles Europe and the Middle East) by Muslims with great devotion to their religion, which manifests itself in both pride and honor. The .ISLAM gTLD will increasingly open up the vast resources of the Internet and the interconnectedness it brings to the Muslims community, while stimulating the introduction of more information and resources among Muslims online. The .ISLAM gTLD is designed to accommodate a global community, and AGIT' team's work with ICANN has always looked not just to serving Muslim people but all users of the internet - thus serving Muslims and those interested in the Muslim faith all around the world, whilst simultaneously achieving ICANN's goal of creating greater competition in the gTLD space.

.ISLAM is designated to serve the Muslim community as their tool to present their activities, beliefs and... to the world.

.ISLAM can also act as the voice of the Muslim community, to represent their message of peace to the world...

The .Islam gTLD is intended for Muslim faithful who wish to promote, participate or learn about Islam and its various facets, its affect on people's daily life around the word, its history, its law and jurisprudence and the rich and diverse culture that surrounds it. Thus, any well-

intentioned Muslim who wants to supply such content, or do business based around it, will be able to operate a domain under the .ISLAM gTLD.

How .ISLAM gTLD will benefit registrants, Internet users, and others?

The benefits of the .ISLAM gTLD will be manifold, not just to registrants but also to tens of millions of Muslim internet users, as well as many others with an interest in or curiosity regarding Islam. The presence of a Muslim-specific gTLD will increase the volume of online Islamic resources, as the emergence of .ISLAM second-level domains sees a network effect kick in. This network effect will create an additional incentive for the digitization of existing Islamic materials, so as to facilitate their posting online as the demand for such material grows.

Samples of .ISLAM future domains, serving the Muslim community:

www.news.islam

www.peace-makers.islam

www.banking.islam

www.education.islam

...

Consequently, the new .ISLAM gTLD will also increase access to online resources as the tens of millions of people that read Islamic and Islam-related materials are able, for the first time, to find the material they seek within the sites operating under the .ISLAM gTLD. Existing website registrants will be able to extend their presence to that audience with new .ISLAM sites, while new registrants will emerge from those Muslim populations brought together by the .ISLAM gTLD, adding to the value of the Internet in ways not currently possible.

As the global population expands, more people become willing Internet users and seek out second-level domains. The .ISLAM gTLD is flexible, and is thus capable of being used for sites focused on ecommerce, information dissemination, charitable endeavors and many more functions among Muslims. A transformation in competition is anticipated for web sites within .ISLAM, allowing them to depart from conventional methods of attracting new customers in this expanding market. This is because it will encourage competitors, targeting the extensive and diverse collection of global Islamic Internet users. This incentive doesn't currently exist in an online space devoid of the .ISLAM gTLD, where competition amongst the already saturated existing TLDs is stagnant.

Section IV: .ISLAM gTLD Governance, the draft proposal

AGIT as a member of the Muslim community has a deep understanding about the **sensitivity of .ISLAM gTLD**, like many other religious gTLDs applied by other applicants.

This has made AGIT to monitor and watch all internet stakeholders' reaction to the application for .ISLAM gTLD during past months, to find out a better understanding of the major concerns in this regards, and help us design a better governing structure which can respond to all concerns.

AGIT believes that the presence of specific Muslim community TLD on internet, having a strong governance system behind it which is highly responsive to the majority of stakeholders' concerns, is the best way to help the presence of the Muslim community on the internet. So the .ISLAM gTLD Governance system is designed after hours of discussions and receiving advices from different groups as described below:

We believe that .ISLAM as a “Muslim specific TLD which is going to serve all the Muslim community”, belongs to all Muslims as well. Muslim community is a 1.5 billion population living around the world including both governments and nations, which is typically a multi stakeholder system.

So through research and consultation with internet and public policy experts, AGIT has decided **to design a multi stakeholder governing system** called “**.ISLAM Policy Advisory Council**”, letting Islamic governments, organizations and individuals have their representatives in the Management/Governing system of .ISLAM and under direct supervision of a multinational Islamic organization/institute.

.ISLAM Policy Advisory Council (PAC)

.ISLAM Policy Advisory Council (PAC) can be a response to all concerns about .ISLAM governance by acting as the governing body for .ISLAM gTLD, in terms of public policy development, .ISLAM collaborations with the Muslim community, .ISLAM contributions in the growth and development of the Muslim community in general and in the cyber space, etc...

.ISLAM PAC will serve as a **non-for-profit governing board** and will be made up of leadership from the broad spectrum of the .ISLAM stakeholders around the world.

.ISLAM PAC will be formed by **17 voting members** including:

1. **Five (5)** representatives from 5 different **governments** (including Muslim countries and/or countries with a significant Muslim population) (rotating members)
2. **Five (5)** representatives from the **leaders of the Muslim communities** around the world (including religious leaders, public leaders etc...) (rotating members)
3. **Five (5)** representatives from the Muslim **Civil Society** (including famous/well-known Muslim figures, celebrities, superstars, NGOs etc...) (rotating members)
4. **One (1)** representative of a leading Islamic organization e.g. **Organization of Islamic Countries (OIC), Islamic Chamber of Commerce and Industry (ICCI), Islamic Chamber Research and Information Center (ICRIC) etc...**, as the **Chairman** of .ISLAM PAC (permanent member)
5. **One (1)** representative (Chairman of AGIT) (permanent member)

PAC makes decisions by **simple majority**. First round PAC members will be selected by AGIT-ICRIC for a period of one year to create the roles, following will be the 2nd PAC board whom will be selected from the nominees applying, for period of 3 year; each year 5 of 15 will be replaced with new members to create a dynamic rotating council.

The first PAC will be established **within 60 days** of the appointment of AGIT as the .ISLAM registry operator. And the initial members of the .ISLAM PAC will be selected from interested governments, organizations and individuals of the above categories by AGIT's BoD (for the first round).

Next rounds will be based on a **nomination** or **election** system and both AGIT BoD and .ISLAM PAC will collaborate in the election of the new members.

.ISLAM PAC role and power:

.ISLAM PAC will be the main role-player in .ISLAM gTLD governance by making major decisions on:

1. **Major policies** for .ISLAM gTLD (including registration policies, etc...)
2. **Dispute Resolutions** of .ISLAM domain names
3. **Monitoring and Controlling** Systems of the .ISLAM registered domain names (in terms of content etc...)
4. **.ISLAM Contributions** in Muslim growth and development activities

To better serve in its roles, .ISLAM PAC can create specific committees/working groups responsible for specific subjects.

Each PAC member can apply to any of the committees Initial recommended committees consist of:

1. **Anti-Terrorism / Human Rights committee:** responsible to investigate issues regarding the possible terrorist activities through .ISLAM registered domain names, and actions to reduce these possibilities
2. **Corporate Social Responsibility committee:** responsible to investigate on environment protection activities, etc...
3. **Contribution Management committee:** the registry will allocate a specific amount of its annual revenue to the charitable activities which are targeted to the development of Islamic societies. This committee would be responsible to find qualified candidates to receive these contributions and provide recommendations about them to the PAC to make the final decisions.

Committees/Working Groups are mostly research/knowledge sharing teams which will reports their opinions to PAC for further decisions, and PAC will make decisions based the information received from the committees in case needed.

Section v: Preliminary registration policies and regulations assigned for a .ISLAM domain name⁵

AGIT has developed a preliminary version of the policies covering .ISLAM registrations. The .ISLAM PAC's first and immediate action plan would be the review and change of these registration policies.

1. Eligibility

Who is eligible to register a second-level name in the gTLD, and how will eligibility be determined?

As mentioned above, the primary goal of the .ISLAM gTLD is the protection and promulgation of the Islamic culture, beliefs, heritage, laws and rules. To this end, In order to register a .ISLAM Domain Name, you declare that you are part of the Islamic Religious and Cultural Community. Registrants must electronically accept that they have pronounced the Shahadah (declaration of faith) which states, *"I testify that there is no god except for the God [Allah], and I testify that Muhammad is the Messenger of the God."*

Our policies may permit registrations within .ISLAM gTLD from the following groups:

- Universities, schools, research institutions and other academic entities performing Islamic academic activities or which teach/promote aspects of Islamic culture.
- Public or private entities whose aim is promoting different aspects of Islam.
- Publishing companies that publish works about Islamic culture, in Islamic script or relating to the Islam.
- Individuals, groups, businesses, organizations, entities or initiatives, however constituted, carrying online communications specifically among Muslims
- Individuals, groups, businesses, organizations, entities or initiatives affirming their belonging to the Muslim Community

Registrations within the .ISLAM gTLD are intended for members of the Muslim community who wish to promote, participate or learn about ISLAM and its many facets,

⁵ Reference: .ISLAM gTLD application, submitted to ICANN by Asia Green IT System

its affect on the daily life of the people around the word, its history, Law and jurisprudence and its rich and diverse culture.

As part of the renewal of the domain name, each registrant must certify their compliance with the Acceptable Use Policy as well as pronounce the *Shahadah* via electronic means.

2. Name selection

What types of second-level names may be registered in the gTLD?

AGIT will follow ICANN guidelines regarding potential restrictions of second-level domains. The names selected to be registered under .ISLAM gTLD must not present any conflict with the cultural, traditional and historical values of the Muslim community. This restriction will be controlled by creating a “*black list*” of prohibited names managed by the .ISLAM Policy Advisory Committee described above.

3. Content/Use

What restrictions, if any, the registry operator will impose on how a registrant may use its registered name?

AGIT will have an Acceptable Use Policy (AUP) and registration policies that will govern how a registrant may use its registered name. We will ask all members to honor Islamic Culture, Heritage and rules. We will also require registrants to ensure that websites hosted within the .ISLAM gTLD do not violate the sensitivities of the Muslim Community. These requirements will be enforced through the AUP and other contracts registrants must sign with their registrars prior to the registration of a domain name.

Specifically, use being deemed “*Acceptable*” begins with certifications in the registration and renewal process. Certification constitutes a series of acknowledgements that the Registrant is either of Muslim faith, or has a clear interest in ameliorating the community. Acceptable Use Certification contains the following:

1. Registrants must electronically accept that they have pronounced the Shahadah (declaration of faith) which states, “*I testify that there is no god except for the God [Allah], and I testify that Muhammad is the Messenger of the God.*”
2. Registrants must accept and abide by the following:
 - a. No denegation of The Prophet Mohammad will be propagated within any site content of the .ISLAM gTLD
 - b. Messaging about Islam or the Quran will not criticize the Muslim faith

- c. Registrants and Users will refrain from activities that run contrary to Islamic principles
- d. Not to use the .ISLAM gTLD or site content as a communications and coordination vehicle of radical or terrorist activities
- e. Registrants will not establish third level DNS management of second level .ISLAM domains.

4. Enforcement

What investigation practices and mechanisms exist to enforce the policies above, what resources are allocated for enforcement, and what appeal mechanisms are available to registrants?

As part of the AUP and registration policies, AGIT will have complete enforcement rights over registrants' use of .ISLAM domain names. AGIT will randomly audit domain names registered in the .ISLAM gTLD to ensure compliance with all eligibility and use criteria. If a violation is discovered, an investigation will begin immediately to rectify said violation. Penalties for violation range from suspension of a domain, to removal of the domain name from the TLD and blacklisting of the registrant, preventing them from being able to register any other names in the .ISLAM TLD. The .ISLAM PAC may need to be engaged to consult on potential enforcement activities.

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

Respondent:

Applicant Name	Asia Green IT System Bilgisayar San. ve Tic. Ltd. Sti.
Application ID	1-2131-60793
Applied for TLD (string)	halal

Response:

I am writing to you as CEO of Asia Green IT System (hereafter "AGIT"). We are the sole applicant for Dot HALAL and our application is currently in Initial Evaluation with priority number 1695.

Our application has received no String Confusion Objections, no Existing Legal Rights Objections and no Limited Public Interest Objections. It has received a Community Objection from the Telecommunications Regulatory Authority of the United Arab Emirates.

The GAC's Beijing Communiqué dated April 11, 2013 includes advice to the ICANN Board on our application for Dot HALAL. Specifically, the GAC said: "The GAC recognizes that Religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed."

This advice is very specifically worded and must be carefully considered to avoid any misunderstanding. It is made by the GAC under Module 3.1 part II of the Applicant Guidebook which states that "The GAC advises ICANN that there are concerns about a particular application "dot-example." The ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns. The ICANN Board is also expected to provide a rationale for its decision."

This advice therefore is not the result of an overall consensus of the GAC. It is, as the GAC highlights in its Beijing Communiqué, the result of some GAC members raising concerns. These concerns and any statements accompanying them, such as the suggestion made in the Beijing Communiqué by the members in question that our application for Dot HALAL lacks community involvement cannot be considered as anything more than individual opinions being expressed by at most a few GAC members.

GAC Advice Response Form for Applicants



As the applicants for Dot HALAL, we stand ready to engage with the ICANN Board to provide in-depth explanations on our TLD and to help the ICANN Board complete the process described under Module 3.1 part II of the Applicant Guidebook.

Dot HALAL is an ambitious project which we have approached with an extremely high level of commitment to the Muslim faith and Islamic culture. Halal is an Arabic term which can be translated as "lawful" and which is used to designate an object or action permissible under Islamic law. The main use of the term pertains to food which can be eaten under Islamiw law.

Dot HALAL aims to bring Muslims together across national borders in a free-flowing exchange of information and commerce. Our company was founded by Muslims. We are devoted to our religion, and proud of it. We aim to create a quality namespace for the Muslim faithful and those who wish to learn about our culture and religion.

We take our responsibility towards the Internet users that will be served by Dot HALAL very seriously indeed. AGIT will be putting measures in place to limit second-level domain registrations to those of Muslim faith or with a positive interest in the Muslim community. Due to the complexity of enforcing this through a set of standard registration rules, Dot HALAL registrants will be asked to self-impose their commitment to proper behaviour within this TLD and will be provided with mechanisms to report abusive, irrelevant or anti-Muslim registrations.

As Dot HALAL operator, we will not tolerate radical content or criticism of Islam and the Muslim faith, and we will take immediate and severe action against this should it occur. We will strive to ensure Dot HALAL is both an abuse-free TLD and one that is open to those who respect our faith. This will be accomplished with Registration safeguards, keyword alerts, name selection polices, all governed by an Acceptable Use Policy and post registration protections.

We have gone to great lengths to ensure Dot HALAL meets the highest possible standards of quality. Our application has received letters of support from, amongst others, the media, civil society, religious organisations, public figures and NGOs. We have received letters of support from prominent members of the Muslim community, such as religious Islamic Leaders, Religious Organizations, and such countries as Turkey, Lebanon and Pakistan and the Muslim communities in countries in Europe and even South America.

In the objection our application has received from the UAE, the argument is made that there is no community support for Dot HALAL. Clearly, quite the contrary is true. This is shown by the advice received from the GAC, which is not concensus advice but the opinion of only a very few members (the Beijing Communiqué does not provide specific information as to which members, or how many members, voiced concerns). Similarly, the UAE is one of 57 member states of the Organisation of Islamic Cooperation (OIC). The OIC is the second largest inter-governmental organization after the United Nations and is the collective voice of the Muslim world. It exists to safeguard and protect the interests of the Muslim world. If Dot HALAL was against these interests, it would have raised significant opposition from a great many more than just one OIC member state, or OIC itself could object directly.

It should also be noted that this TLD aims to provide a safe and easily recognisable space on the Internet for Halal industry service providers. One example of this could be a company like McDonalds, who would be eligible to register a Dot HALAL domain name to promote the Halal food service they provide in some Islamic countries. Our application has the support of the only Halal certification body to be recognised by all Islamic countries, HalalWorld (<http://halalworld.ca/about-us>). This is a strong sign of support from the TLD's target community.

GAC Advice Response Form for Applicants



We have also communicated with the OIC and the ICRIC (Islamic Chamber Research and Information Center) to ensure they have sufficient knowledge of Dot HALAL and have good opportunity to participate and comment.

Asia Green IT System is keen to work with both the GAC and the ICANN Board to help alleviate concerns, even when they are from specific entities rather than whole groups. I would be personally be very happy to speak with the Board to provide any background or detail on our application which would be helpful to the Board before it goes back to the GAC to provide its rationale for the decision it will take with regards to Dot HALAL.

Best regards,

Mr. Mehdi Abbasnia
Chief Executive Officer
Asia Green IT System
Turkey

P.S.: In addition to the information contained in this letter, please find attached a list of the support received for Dot HALAL (and another of our applications, Dot ISLAM).

Who support .ISLAM and .HALAL new gTLDs?

.ISLAM and .HALAL new gTLDs, applied for through Asia Green IT System have received several endorsement letters from different Islamic organizations and famous people around the world, and from different branches of Islam (Shia and Sunni as the main branches).

AGIT as the Muslim company applying for .ISLAM and .HALAL gTLDs, has an ongoing task to promote .ISLAM and .HALAL new gTLDs to the Muslim community to receive new supporting letters.

As a strategic approach, AGIT is trying to make International Islamic organizations like Organization of Islamic Cooperation (OIC), or Islamic Chamber of Commerce and Industry (ICCI) to be involved in the governance of .ISLAM and major Halal certification bodies to be involved in .HALAL policy making. Although it is hard to contact such huge organizations (OIC is the second largest international organization after UN), and very hard to explain the concept of TLD in their managerial positions (since most of high level managers in these organizations forward our letters to lower technical staff considering them as less important and more technical cases), but eventually we found the correct entities to sponsor .ISLAM and .HALAL gTLDs in terms of making decisions and policy making. After many meetings we have recently been succeeded in getting **Islamic Chamber Research and Information Center (ICRIC)**'s supporting letter for .ISLAM. Earlier we have also been succeeded in involving HALALWORLD, the only HALAL certification body which is accepted by all Islamic countries. (There are many Halal certification bodies around the world but all of them are supported by one or few countries. HALALWORLD is OIC's Halal certification standard project which is accepted by all Islamic countries)

Since getting the supporting letter, our decisions with them has improved in principle agreement of ICRIC-OIC to become a partner in the project and take a leadership role beyond support.

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In particular they could act as a potential sponsoring organization. We currently are working out the formalities of such relationship.

Islamic Chamber Research and Information Center (ICRIC) in association with the **Islamic Chamber of Commerce and Industry (ICCI)** which is under the umbrella of the **Organization of the Islamic Cooperation (OIC)** was established in 2003. ICRIC has a Board of directors consisting of 9 members from Malaysia, Jordan, Iran and Egypt plus Secretary General of ICCI and acts within the framework of its articles of association approved by the Islamic Chamber and with regard to 16 strategic principles included in its mandate for elevation of trade and economic ties among Islamic Countries.

AGIT has also recently started to open the opportunity to Muslim people to express their interest in .ISLAM and .HALAL gTLDs through online social media like Facebook (<https://www.facebook.com/DotIslam> and <https://www.facebook.com/GotHalal>) with thousands of fans.

List of .ISLAM and .HALAL gTLD supporters (updated on May 5th, 2013):

Access to the last updated PDF version of letters: <http://www.agitsys.com/pdf/dot-ISLAM-support-letters.pdf>

1. Major Organizations / Associations / Leaders representing Muslim populations:

1.1. Islamic Chamber Research and Information Center (ICRIC) (.ISLAM and .HALAL)

ICRIC is a subsidiary of **Islamic Chamber of Commerce and Industry (ICCI)** which is under the umbrella of Organization of Islamic Cooperation (OIC). ICRIC is responsible for research and information activities of ICCI and operates some of OIC and ICCI's

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projects. OIC has created ICCI in line with the goal of development for all Islamic communities, and its continuous consideration on the promotion of commercial and economic relations among its Member States to achieve the goal of sustainable and comprehensive development. ICRIC acts as the research and development wing of ICCI in terms of new ideas and technologies, so when contacting OIC's different sections, we were forwarded to ICRIC as the most relevant subsidiary of OIC and ICCI.

After several meetings with the general secretariat of ICRIC, we finally got their support of .ISLAM new gTLD, but we still have more negotiations to establish a formal cooperation in the governance of .ISLAM (maybe as one of their projects).

Link to download the letter (.ISLAM): <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-ICRIC.pdf>

Link to download the letter (.HALAL): <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-ICRIC.pdf>

1.2. Dr. Mahathir Bin Mohamad (.ISLAM)

The former president of Malaysia and the man who moved Malaysia to an advanced country. He is with no doubt the most popular figure in Malaysia and many other countries. Dr. Mahathir was one of the first who supported us and his support has brought a great credit for AGIT, because everybody knows that he will not support a non-eligible entity to hold the sensitive TLD of .ISLAM.

Malaysia has a 14.5 million Muslim population and we believe Dr. Mahathir Bin Mohamad is the best representative of this community.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-Dr. Mahatir Mohamad.pdf>

1.3. The Management Center for Islamic Schools of Thought (.ISLAM and .HALAL)

The management center for **Twelver** or **Imami** Shia Schools of thought (Hawza's) in Turkey, Azerbaijan, Iran, Iraq, Pakistan, India, Bahrain, Syria, Lebanon etc... operate under this center's supervision. (<http://en.wikipedia.org/wiki/Hawza> and http://www.nationmaster.com/graph/rel_isl_shi-religion-islam-shia)

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Shia's population is around 200 Million. 85% of them (170 Million) are **Twelver** or **Imami Shia's**. All Imami Shīa's follow the thoughts of religious leaders which are trained in schools of thoughts in different countries under the supervision of this center. This center is the main training management system of Shia schools in terms of religious content and can be counted as the representative of **170 million Twelver or Imami Shia's** around the world.

Making them attracted to support .ISLAM was hard and time consuming process, following their deep investigations on the eligibility of AGIT to operate .ISLAM TLD.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM_SHIA_HALAL-Center_of_Management_of_School_of_Thoughts.pdf

1.4. The World Forum for Proximity of Islamic Schools of Thought (.ISLAM and .HALAL)

The World Forum for Proximity of Islamic Schools of Thought is a multi cultural organization that several hundreds of Islamic leaders (both Shia and Sunni) cooperate with, in its consideration about creation of peace and proximity between different Islamic sects.

The forum holds the "Islamic Unity Conference" each year with participants from around the world, including mostly religious leaders of different Sects of Islam. The followers of these leaders are Muslims from all sects of Islam all around the world.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM_SHIA_HALAL-World_Forum_for_Proximity_of_Islamic_Thoughts.pdf

1.5. HALAL WORLD Center (.HALAL)

Halal Research& Development Center (HALAL WORLD) is the unified Halal standard and certification project of Islamic Chamber Research and Information Center (ICRIC). ICRIC operates under Islamic Chamber of Commerce and affiliated with OIC.

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-HalalWorld.pdf>

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1.6. Islamic Center Hamburg, *Germany (.ISLAM)*

Germany has the largest Muslim population in Western Europe after France. Approximately 3 to 3.5 million Muslims live in Germany, and 80% of them do not have German citizenship; 608,000 are German citizens. 70% of the Muslim population is of Turkish origin. (<http://www.euro-islam.info/country-profiles/germany/>)

The **Islamic Centre Hamburg** (German: *Islamisches Zentrum Hamburg*) is one of the oldest Shia mosques in Germany and Europe.

Established in Hamburg, in northern Germany, in the late 1950s by a group of Hamburg-based emigrants and business people it rapidly developed into one of the leading Shia centers in the Western world.

Muslim groups of different nationalities get together for regular meetings, prayers, lectures, seminars, readings, Islamic festivals, funerals, etc. For interested people there is always opportunity to learn Arabic. Under Islamic rules, marriages are implemented. There are experienced theologians dedicated to help people who have psychological or family problems as well as those who have been newly converted to Islam. The Islamic Centre is regularly visited by schools, church communities and other interested groups from Hamburg and the nearby towns. Lots of organizations, lectures and discussions have been held to get rid of prejudices about Islam and to develop a better understanding of Islam. Our centre and Mosque may be visited at appropriate times.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Germany Islamic Center Hamburg.jpg>

1.7. Islamic Shiite High Council, *Lebanon (.ISLAM and .HALAL)*

One of the highest level Islamic centers in Lebanon: <http://www.shiitecouncil.gov.lb/> and <http://www.shiitecouncil.org/>

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Islamic-Shia-High-Council.jpg>

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1.8. Islamic Academy, *Germany (.ISLAM)*

One of the oldest and most well-known Islamic educational centers in Germany with over 50 years of activity. Many Islam fans are trained in this center.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Germany Islamic Academy Germany.jpg>

1.9. The ECO cultural institute (*.ISLAM and .HALAL*)

ECO Cultural Institute is one of the specialized agencies under the Economic Corporation Organization (ECO), an intergovernmental organization consisting of Islamic State of Afghanistan, Azerbaijan Republic, Islamic Republic of Iran, Republic of Kazakhstan, Kyrgyz Republic, Islamic Republic of Pakistan, Republic of Tajikistan, Republic of Turkey, Turkmenistan and Republic of Uzbekistan. Among ECO member states, 9 out of 10 are members of OIC. ECO Cultural Institute has supported .ISLAM as a subsidiary of the Economic Corporation Organization (ECO) which is most likely related to governmental attitudes of its member states.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-SHIA-HALAL-ECOECI.pdf>

1.10. Association ALGhadir Islamique, *France (.ISLAM)*

A Shia Islamic training institute in France (with 350,000 Shia's out of 5 million Muslims)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM France Association ALGhadir Islamique.jpg>

1.11. Centro Islamico No *Brasil (.ISLAM)*

The main Islamic organizations in Brazil (Muslim population of around 900,000) (<http://www.nationmaster.com/graph/rel isl num of mus-religion-islam-number-of-muslim>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Islamic Center in Brazil.jpg>

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1.12. Islamic Institution Arresalla, Brazil (.ISLAM)

An Islamic institute offering cultural, religious services to a large group of Muslim community in Brazil.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Islamic Institution Arresala.jpg>

1.13. Association Culturelle Musulmane de Roissy en Brie, France (.ISLAM)

The cultural Islamic association in Roissy, and the founder of Roissy mosque (<http://www.leparisien.fr/roissy-en-brie-77680/feu-vert-pour-la-mosquee-de-roissy-en-brie-26-01-2009-387205.php>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM France Association Culturelle Musulmane de Roissy en Brie.jpg>

1.14. Muslim Religious Community, Belarus (.ISLAM)

The main organization of Muslims in Belarus (total Muslim population: 51,000)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Belarus Muslim Religious Community.jpg>

2. Islamic Institutes / NGOs in Muslim Countries:**2.1. Islamic United Council, Pakistan (.ISLAM)**

One of the main Islamic Societies in Pakistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Islamic United Council.jpg>

2.2. Islamic Unity Magazine (Wahda Islamiya), Lebanon (.ISLAM and .HALAL)

The Lebanese Islamic organization's magazine on the unity of Islam Branches:
<http://wahdaislamyia.org/>

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Islamic-Unity-Magazine.jpg](http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Islamic-Unity-Magazine.jpg)

2.3. Aras Justice, Freedom and Solidarity Association, Turkey (.HALAL)

Established in 2012 in Istanbul, As a Non-government and non-profit organization, Aras's mission is to support victims and protect their rights and help them to solve their problems. And creating public awareness in order to uphold political freedom and prevent inhumane conduct.

For this reason, Aras organizes panels, Symposiums and conferences in Turkey and Azerbaijan. Aras is kept public informed through the release of periodicals, press releases. Aras makes use of the internet, as well as radio and TV broadcasts preparing, organizing contests, demonstrations, dinners and evening performances.

Apart from these, Aras finances scholarships for poor student and opens the student dormitory.

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS HALAL Turkey ARAS Justice Freedom and Solidarity Association.pdf](http://www.agitsys.com/pdf/supports-islam/LOS_HALAL_Turkey_ARAS_Justice_Freedom_and_Solidarity_Association.pdf)

2.4. Beyan Cultural Center, Turkey (.ISLAM and .HALAL)

Beyan started its activities in 2012 in Istanbul. The main object of the Beyan Cultural Center is to provide better understanding of Islam for Muslims and non-Muslims in Turkey. Therefore, they organize such activities as conference, symposium, and meetings.

Link to download the letter: [http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Turkey Beyan Cultural Center.pdf](http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Beyan_Cultural_Center.pdf)

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2.5. Kudus-Der, Turkey (.ISLAM)

Founded in 2012, the association's headquarters in Istanbul. The association was founded to help the Palestinian people.

Kudüs Der assistance not only humanitarian aid but also inform Turkish public about Palestinian issue by organizing media conferences, meetings in Turkey.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Turkey-Kudus-Der.pdf

2.6. Halal Supreme Council, Iran (.HALAL)

Link to download the letter: http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-Supreme_Council.pdf

2.7. Fatih Akincilari Social and Cultural Association, Turkey (.ISLAM and .HALAL)

Akincilar social solidarity and cultural association was founded in the 1970s in Istanbul district Fatih.

Akincilar aims to meet the needs of those who are suffering poverty or hunger.

Social Aid: food aid and organizations during the Ramadan fast-breaking dinner, Qurban programs.

Educational Aid: delivering school bags, educational sets, and supplementary materials to needy students.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Akincilar_Social_Solidarity_and_Cultural_Association.pdf

2.8. Association of Development, Promotion, Production and Trade of Halal Products, Iran (.HALAL)

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-Association.pdf>

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2.9. Diplomatic Correspondents Association, *Pakistan (.ISLAM)*

The association of Diplomatic Journalists of Pakistan, with thousands of members, all active in the media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan DCAP.jpg>

2.10. Peoples Youth Organization, *Pakistan (.ISLAM)*

A famous civil social Islamic organization, very active in Islamic cultural activities in Pakistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Peoples Youth Organization.jpg>

2.11. The Danish-Palestinian Friendship Association, *Denmark (.ISLAM)*

An NGO active in Humanity helps to Palestinians

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Denmark Danish-Palestinian Friendship Association.jpg>

2.12. Brasil Halal Foods, *Brazil (.ISLAM and .HALAL)*

The main institute in Brazil working as a certification body for Halal foods (Foods certifying Islamic criteria on religious approved foods and drinks) (<http://en.wikipedia.org/wiki/Halal>)

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Brazil Brazil Halal Foods.jpg>

2.13. Halal Export Consortium, *Iran (.HALAL)*

Link to download the letter: <http://www.agitsys.com/pdf/supports-halal/LOS-HALAL-ExportConsortium.pdf>

2.14. Baheth Center for Palestinian Studies, Lebanon (.ISLAM and .HALAL)

An Islamic Educational institute for Palestinian Strategic Studies:
<http://www.bahethcenter.net>

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Baheth-Center-for-Palestine-Studies.jpg>

2.15. Iran-Tajikistan Friendship Association, Iran-Tajikistan (.ISLAM and .HALAL)

A multinational NGO working on cultural activities to tighten the relationships of Farsi-Speaking Muslims in Iran and Tajikistan.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-HALAL-ITFA.pdf>

2.16. Ehlibeyt Alimleri Derneği / Ehla Der, Turkey (.ISLAM and .HALAL)

Ehlibeyt Alimleri Derneği (Association of Ahlulbayt Scholars) was founded in May 31, 2011 in Istanbul.

The short name is Ehla-Der and the Head Office is in Yenibosna - Istanbul. Currently, 18 people work in Headquarters Building. There are 190 Ahlulbayt Scholar members of the association who work in different cities in Turkey.

The purpose of Ehla-Der is contributed to the spread of social unity and brotherhood in the country. And provide correct information about Ahlulbayt.

Ehla-Der organizes cultural and social activities throughout Turkey.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Turkey Ehla Der-Association of Ahlulbayt Scholars.pdf>

2.17. Dar El Feta El Jafari, Lebanon (.ISLAM and .HALAL)

An Islamic Shia religious educational center in Lebanon

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM-HALAL Lebanon Dar-Al-Fata.jpg>

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3. Famous Muslim Researchers / Academic people:

3.1. Mr. Nureddin Sirin, Turkey (.ISLAM)

Well-known journalist by Islamic circles in Turkey. He was born in Trabzon and knows English, Arabic and Persian.

He has worked as a journalist with different News Papers and Magazines till 1997. In 1997 military memorandum he was arrested and sentenced to a prison term of 17.5 years, in the prison Type-F of Kandira. He released in 2004. During that time his name has become a symbol for victims.

He currently works for Kudüs TV.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Nurettin-Sirin.pdf

3.2. Dr. Pere Michel Lelong, France (.ISLAM)

Famous Islamologist in France with lots of researches and publishing.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_France_Pere_Michel_Lelong.pdf

3.3. Dr. Majid Tafreshi, UK (.ISLAM and .HALAL)

University Professor and history Researcher, and the manager of a cultural publishing institute.

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS-ISLAM-Dr.Tafreshi.pdf>

4. Newspapers / Media / Publications:

4.1. Medyam 14 Radio TV, Turkey (.ISLAM and .HALAL)

Medya On4 Radyo Televizyon Yayıncılık A.Ş is the owner of On4 TV; On4 TV is a nation-wide television channel in Turkey. The channel was established by the Turkish businessmen in 2012.

On4 TV delivers the latest breaking news and information on the latest top stories, weather, business, entertainment, politics, and more.

Headquarters is located in Istanbul and more than 100 journalists, reporters etc. work in it.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-SHIA-HALAL_Turkey_Medyam_14_RadioTV.pdf

4.2. Kevser Basın Yayın Organization, Turkey (.ISLAM and .HALAL)

Kevser Basın Yayıncılık (Kevser Press Publishing) has about 200 branches and distribution networks throughout Turkey and 10 distribution networks abroad. Headquarters is located in Istanbul Asaray and one of the leading Press publishing companies in Turkey.

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Turkey_Kevser_Press_Publishing.pdf

4.3. Al Ahed News, Lebanon (.ISLAM and .HALAL)

Lebanese Islamic News Agency: <http://alahednews.com.lb>

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Al-Ahd-News.jpg

4.4. Daily Nijat, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Daily_Nijat.jpg

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4.5. Al Bilad Magazine, Lebanon (.ISLAM and .HALAL)

Islamic Cultural monthly magazine in Lebanon

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Al-Bilad-magazine.jpg

4.6. Daily Spokesman, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Daily_Spokesman.jpg

4.7. Daily Wisdom, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Daily_Wisdom.jpg

4.8. Inbaa News, Lebanon (.ISLAM and Halal)

News agency in Lebanon

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM-HALAL_Lebanon_Inbaa-News-Agency.jpg

4.9. Mr. Malik Abdul Qayum Khan, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Malik_Abdul_Qayum_Khan.jpg

4.10. Haqooq Ul Awam, Pakistan (.ISLAM)

Daily newspaper / Media in Pakistan

Link to download the letter: http://www.agitsys.com/pdf/supports-islam/LOS_ISLAM_Pakistan_Haqooq_Ul_Awam.jpg

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4.11. Page International, *Pakistan (.ISLAM)*

Daily newspaper / Media in Pakistan

Link to download the letter: <http://www.agitsys.com/pdf/supports-islam/LOS ISLAM Pakistan Page International.jpg>

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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, Annex I, and Annex II of the [GAC Beijing 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	Charleston Road Registry
Applicant ID	1-1417-41320
Applied for TLD (string)	.LLC

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .LLC application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .LLC

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .LLC, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .LLC string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has is already addressed in our application for .LLC. The following table outlines the GAC's safeguard advice and how our .LLC application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process...".
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .LLC application. The .LLC TLD targets verified incorporated entities. We do not expect registrants of the .LLC TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .LLC and Category 2.1 Safeguard Advice for .LLC

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .LLC string.

CRR's application for .LLC is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .LLC community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .LLC. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .LLC application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

GAC Advice Response Form for Applicants



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Respondent:

Applicant Name	Stable Tone Limited
Application ID	1-1708-88054
Applied for TLD (string)	健康

Response:

I am writing to you as CEO of Stable Tone Limited. We are the sole applicant for Dot 健康. This Chinese language IDN TLD is pronounced "JIANKANG" and can be translated as Dot WELLNESS. Our application has priority number 68 and has passed ICANN's Initial Evaluation.

In its Beijing Communiqué providing advice to the ICANN Board on new gTLD applications, the GAC has identified ".healthy (IDN Chinese equivalent)," as a TLD to which a set of safeguards should apply. I would first of all like to thank the GAC for taking an interest in our application and considering it to be an application that should proceed through ICANN's new gTLD program and be delegated as a Top Level Domain on the Internet.

We at Stable Tone feel very strongly that the string we are applying for will help Chinese communities gain access to content promoting a healthy lifestyle. This is a Chinese character string, in IDN format, and therefore it fully embraces the new gTLD program's ideals of bringing more choice to Internet users around the world, and enhancing their interaction with the Internet to improve their daily lives.

Our aspiration with Dot JIANKANG is to promote wellness and healthy living in the broadest possible sense. It is important to note and understand that our string has a broad generic meaning and is not focused on the type of specific health related services that may be within the ambit of any regulated industry such as the medical or pharmaceutical industry.

Dot JIANKANG was envisioned by Chinese Internet enthusiasts, for Chinese users and speakers of the Chinese language worldwide. JIANKANG can be loosely translated as “healthy” or “wellness”. A concept, very much at the heart of the Chinese culture for thousands of years, and one tightly integrated into our daily lives. Our TLD .JIANKANG will be very clearly positioned as a resource providing Internet users which a beneficial service to them in their everyday lives. As mentioned before, although the term we are applying for can loosely be

GAC Advice Response Form for Applicants



translated as “healthy” or “wellness”, it is not confused with the English word “health”. This is a strong semantic difference. We will serve Chinese users interested in a certain type of lifestyle and in doing so will be quite distinct from the medical or pharmaceutical industry.

We understand that applying for any TLD means taking on a huge responsibility to achieve consumer trust and user confidence. For us as an applicant for a Chinese IDN character string, this responsibility is quite possibly even greater than it would be for the applicant of an ASCII string.

We are registered in Hong-Kong and 95% of our market is expected to be in Mainland China itself. Hong Kong has a strong regulatory framework for hygiene, healthcare and food produce, while China has strict law and regulatory practices concerning the Internet, which are even more rigorous for Chinese companies. We fully expect to be heavily scrutinized by the Chinese authorities themselves, and intend to fully comply with any relevant rules and policies put in place by the Chinese government. Most of Stable Tone's management staff are Chinese citizens and are therefore subject to the regulation under the Chinese legal system. Should our use of the TLD .JIANKANG be considered a potential hazard to Internet users as far as the healthcare sector is concerned, this might be not only be blocked by the government immediately, but as operators and managers of the registry, there is a possibility that we as individuals could face personally liability.

Our government will be watching us carefully to ensure that we do not deviate from our intended plan of providing and managing domain names to registrants with sites about various aspects of wellness and wholesome lifestyles.

We have applied for this TLD in good faith, and have already invested a huge amount of time, effort and thought into providing ICANN with an application which displays the high level of quality that the Applicant Guidebook requires. We have worked to understand the Guidebook, adhered to its guiding principles and met its specific requirements whilst building our TLD in such a way as to meet the set of rules articulated in the voluminous guidebook.

We are very proud to see that our efforts to meet this high bar have been rewarded with a successful pass from ICANN in its Initial Evaluation process.

Our commitment to be a quality applicant and a responsible gTLD operator was met with an equally strong commitment from ICANN to guarantee a stable and predictable process for those who were, like us, willing to participate in the new gTLD program. In this regard it would seem that introducing major changes to the rules at a very late stage is not predictable and is simply unfair to applicants.

As to the specific requests made by the GAC for strings that the Committee has placed in the Category 1 of its Beijing Communiqué's ANNEX 1, we are please to note that our own proposals for operating Dot JIANKANG are already inline with many of them.

Our application is already compliant with safeguards 1 (Whois Verification and Checks), 2 (Mitigating Abusive Activity), 3 (Security Checks), 4(Documentation), 5 (Making and Handling Complaints) and 6 (Consequences) as listed in the above-mentioned section of the GAC's Beijing Communiqué.

GAC Advice Response Form for Applicants



Whois Verification and checks are covered in our answer to Question 28.4.1 “Authentication of Registrant Information”, 28.4.2 “Monitoring of Registration Data” and 28.4.3 “Policies and Procedures Ensuring Compliance”. Safeguards 2-6 are covered by our answers to Question 28 "Abuse Prevention and Mitigation" and includes resourcing and implementation plans on not only monitoring of abusive activity such as Phishing, pharming, malware, spam and child pornography, but also mitigation steps such as installing a single point of contact for abuse, mechanisms for taking complaints, a Rapid Take Down process and even coordination with law enforcement and industry groups such as for example, in the United States, Federal Bureau of Investigation, US CERT, Homeland Security, the Food and Drug Administration, and the National Center for Missing and Exploited Children to name a few.

We have also submitted a Public Interest Commitment – the details of which are listed here (<https://gtldresult.icann.org/application-result/applicationstatus/applicationdetails/450>)

In addition, as a Chinese applicant we are already working with our country's authorities and already meet their requirements to mitigate fraudulent activities to the best extent possible.

Once again, I would like to thank the GAC for their willingness to work with applicants to ensure new gTLDs are respectful of human rights, uphold the public interest and are operated in such a way as to comply with laws in their applicable jurisdictions. These are ideals we respect and share. We are also prepared to and open to exploring with the GAC and GAC members to further enhance our policies and put measures in place to appropriately mitigate against relevant and specific concerns.

I look forward to the ICANN board's decision to move us forward from an applicant to a contracted gTLD registry operator such that a substantive and fruitful collaboration with the GAC could progress to ensure that Dot JIANKANG be operated in the best interests of the Internet community at large.

Best regards,

Jason Du
CEO
Stable Tone Limited
Unit 10-18, 32/F, Tower 1, Millennium City 1,
388 Kwun Tong Road, Kwun Tong, Kowloon
Hong Kong

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, Annex I, and Annex II of the [GAC Beijing 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 GAC Advice” (for example “1-111-11111 Response to GAC Advice”). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1142-83944
Applied for TLD (string)	.INC

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .INC application described in the below Sections of the Communiqué:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Corporate Identifiers Category
- Section IV, Annex I, Category 1.1 - GAC’s Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .INC

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .INC, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .INC string under the Corporate Identifiers category. It is our belief the safeguard advice the GAC has already addressed in our application for .INC. The following table outlines the GAC's safeguard advice and how our .INC application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel... any domain name....it deems necessary...to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process...".
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .INC application. The .INC TLD targets verified incorporated entities. We do not expect registrants of the .INC TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	We are planning to have verification policies associated with this TLD. CRR will work with relevant regulatory bodies to establish these policies, and in some cases we expect to continue to work with these bodies as a part of the verification process.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."
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CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .INC and Category 2.1 Safeguard Advice for .INC

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .INC string.

CRR's application for .INC is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .INC community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in order to register a second-level domain in .INC. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt

enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and/or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .INC application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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