

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 II of the [GAC Buenos Aires 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 Buenos Aires GAC Advice” (for example “1-111-11111 Response to Buenos Aires GAC Advice”). All GAC Advice Responses to the GAC Buenos Aires Communiqué must be received no later than 23:59:59 UTC on 06-January-2014.

Respondent:

Applicant Name	Vox Populi Inc
Application ID	1-2080-9277
Applied for TLD (string)	sucks

Response:

Vox Populi Inc (VoxPop) is pleased to provide our response in connection with the most recent GAC Category 1 advice detailed in the GAC Buenos Aires Communiqué. We are also providing a response to the NGPC proposed Category 1 Safeguards in the form of proposed PICs that will be part of the new Registry Agreement.

a) With regards to the GAC Buenos Aires Communiqué, the only requirements that apply to the DotSUCKS application is: “Item 4. Protection of Inter-Governmental Organisations (IGOs)” and “Item 6. Protection of Red Cross/Red Crescent Names”.

VoxPop recognizes the intent to establish permanent protection of IGO acronyms at the second level and we support continued discussions between the NGPC and the GAC in this regard. In the interim, should VoxPop continue with contracting for DotSUCKS prior to a resolution between the NGPC and the GAC, we understand and agree that the initial protections for IGO acronyms will remain in place.

We also recognize that the GAC is giving further consideration to the way in which existing protections should apply to the words “Red Cross”, “Red Crescent” and related designations at the top and second levels with specific regard to national Red Cross and Red Crescent entities. VoxPop awaits the specific direction that will ensue.

b) VoxPop notes that in the NGPC proposed Category 1 Safeguards, the DotSUCKS application is specifically identified as having “Potential for Cyber Bullying/Harassment”. We are pleased to respond yet again to this specific requirement although we must point out to the Board that our application has provided provisions for Cyber Bullying/Harassment since the very beginning of the application process.

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In fact, of the three contending applications for DotSUCKS, ours has and continues to be the ONLY application that has maintained and is committed to a policy on Cyber Bullying/Harassment. As a result, the VoxPop application for DotSUCKS is the ONLY application that is currently compliant with GAC Advice.

Our original response to the GAC Beijing Communiqué included a 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 DotSUCKS. We also committed to the relevant PIC in support of an ongoing operational commitment to enforce our CyberBullying/Harassment policies. Follows is a direct extract from the previous information provided to the Board in response to the Beijing Communiqué specifically related to the CyberBullying/Harassment issue.

---- Direct extract from our original response to the GAC Beijing Communiqué ----

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 DotSUCKS to have done so. It is referenced in our original response to Question 18 and is further detailed in our response to Question 28. Furthermore, even after GAC Early Warnings were issued referencing Cyber Bullying, competing DotSUCKS 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.

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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.