

# GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued further advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Los Angeles Communiqué](#) for the full list of advice.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for its consideration. Please 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 Los Angeles GAC Advice” (for example “1-111-11111 Response to Los Angeles GAC Advice”). All GAC Advice Responses to the GAC Los Angeles Communiqué must be received no later than 23:59:59 UTC on 17 November 2014.

Please note: This form will be publicly posted. Please do not include in this form any information that you do not want posted.

## 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 October 14, 2014, regarding regulated gTLDs in the context of the New gTLD Program.

We confirm that we are still in line with our response to the GAC Beijing Communiqué, dated April 2013, and will comply with the concerns expressed by the GAC in their Singapore, London and Los Angeles Communiqués.

Referring to our application, Fédération Nationale de la Mutualité Française is the overarching membership organization, grouping most of the French mutual health insurance.

Please note that we will fully comply with the Whois verification requests required, as indicated in our reply below. As we have established working relationships with our member, on several other matters we will De facto have a validation process in place. Our members are also bound to respect French regulations on mutual health insurance, and are regularly audited by the appropriate authorities.

Please note that we are also 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, in the Beijing communiqué, being in details :

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

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what is proposed by the GAC; Moreover, when opening the tld to external entities, the Fédération Nationale de la Mutualité Française contemplates the possibility to open the TLD only to members of the Fédération Nationale de la Mutualité Française, therefore known parties, with whom the Fédération Nationale de la Mutualité Française already has long term working relationships, as most of its members are a member for multiple years, and all of its members are subject to scrutiny from governmental authorities and Fédération Nationale de la Mutualité Française itself.

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. As mentioned in our application, the reason for being a single registrant-registry is to mitigate the risks identified by the GAC in its Beijing and subsequent communiqués.

Of course, 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 behavior 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.

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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.

Fédération Nationale de la Mutualité Française 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.

Fédération Nationale de la Mutualité Française 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 Fédération Nationale de la Mutualité Française is the organization that groups the vast majority of mutual funds in France, it already has established such relationships with its members. Most if not all of these members, given their status as a mutual health insurance, have processes, procedures and tools in place themselves in order to prevent the risks of fraudulent and other illegal activities. Combined with the processes and procedures that have been established by Fédération Nationale de la Mutualité Française in general and specifically in relation to the .mutuelle gTLD, Fédération Nationale de la Mutualité Française, we are confident that the likelihood of this risk occurring is rather low, and if such risk materializes, that these processes will be sufficient in order to effectively deal with potential damages.

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.

Fédération Nationale de la Mutualité Française 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.

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Considering the fact that – as stated above – Fédération Nationale de la Mutualité Française is the organization that groups the vast majority of mutual health insurance in France, it already has processes in place in order to verify its members’ eligibility and credentials for participation in this sector. Furthermore, Fédération Nationale de la Mutualité Française verifies on a regular basis whether each of its members still meets the requirements that are provided for by law and in the general membership arrangements that are imposed by Fédération Nationale de la Mutualité Française upon each of its members.

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: Fédération Nationale de la Mutualité Française 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: Fédération Nationale de la Mutualité Française already has already implemented these processes.

Respectfully submitted,