

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: 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 6: List of Nations by existing levels of organic regulation

Appendix 7: Principles of Organic Agriculture

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

GAC Elected Officer:

Mrs. Heather Dryden
Chair, Governmental Advisory Committee
gacsec@icann.org

GAC representative, USA:

Mrs. Suzanne Radell
sradell@ntia.doc.gov
Senior Policy Advisor
National Telecommunications and Information Administration
Department of Commerce
1401 Constitution Avenue N.W.
Washington D.C. 20230
United States

GAC representative, UK:

Mark Carvell
mark.carvell@culture.gsi.gov.uk
Head, International Communications Policy, Information Economy
EU & International Competitiveness Unit
Department for Culture, Media and Sport (DCMS)
4th Floor, 2-4 Cockspur Street,
London SW1Y 5DH, United Kingdom

GAC representatives, Australia:

Andrew Maurer
andrew.maurer@dbcde.gov.au
Communications and the Digital Economy Assistant Secretary
Networks Operations & Spectrum Branch
Department of Broadband
GPO Box 2154
Canberra ACT 2601
Australia

Peter Nettlefold
peter.nettlefold@dbcde.gov.au
Communications and the Digital Economy - Manager
Internet Governance, IPND and Numbering Team
Department of Broadband
GPO Box 2154
Canberra ACT 2601
Australia

GAC representative, Canada:

Kathy Fisher
kathy.fisher@ic.gc.ca
Director
International Telecommunications Policy & Coordination
Industry Canada
300 Slater Street

Ottawa
Ontario K1A 0C8
Canada

GAC representatives, EU:

Mrs. Linda Corugedo Steneberg
cnect-d@ec.europa.eu
Director
Office BU 25-6/024

Mr. Lars-Erik Forsberg
lars-erik.forsberg@ec.europa.eu
Deputy Head of Unit
Office BU 25-4/70

Mr. Andrea Glorioso
andrea.glorioso@ec.europa.eu
Policy Officer
Office BU 25-4/64

DG Communications Networks, Content and Technology
25 Avenue de Beaulieu
European Commission
1049 Bruxelles
Belgium

GAC representative, Germany:

Mr. Hubert Schöttner
hubert.schoettner@bmwi.bund.de
Deputy Head of Division
Federal Ministry of Economics and Technology
Villemombler Str. 76
53123 Bonn
Germany

GAC representative, Austria:

Mr. Christian Singer
christian.singer@bmvit.gv.at
Head of Unit for International Telecommunications Affairs
Ministry for Transport, Innovation and Technology
Radetzkystraße 2,
1030 Vienna
Austria

GAC representative, France:

Miss Camille Angué
camille.angué@diplomatie.gouv.fr
Direction générale de la Mondialisation, du Développement et des
Partenariats
Ministère des Affaires Etrangères et Européennes
Représentante au GAC (ICANN)
27, rue de la Convention

CS91533
75732 Paris Cedex 15 - France

Mr. Richard Boidin
richard.boidin@diploamatie.gouv.fr
Ministre Plénipotentiaire
Ministère des Affaires Etrangères et Européennes
37, quai d'Orsay
75700 Paris SP 07 - France

Mr. Laurent Ferrali
laurent.ferrali@finances.gouv.fr
Chargé de mission Gouvernance de l'Internet et satellites
Représentant au GAC (ICANN)
Ministère du Redressement Productif
Direction Générale de la Compétitivité, de l'Industrie et des
Services
67 rue Barbès
BP 80001
94 200 Ivry sur Seine - France

GAC representative, Luxembourg:

Mrs. Claudine Kariger
claudine.kariger@smc.etat.lu
Senior Policy Adviser
Media and Communications Department Ministry of State
5, rue Large (Maison Cassal)
1917 Luxembourg
Luxembourg

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.

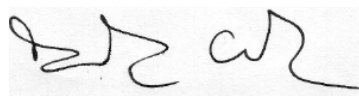
As IFOAM has continued to investigate the general topic of gTLD's related to our scope of activities, we find the Starting Dot application and approach to be the best suited to serve our objectives. This is much in contrast to the application for .ORGANIC, to which we hereby repeat our opposition, as 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
Office L130 03/247
hans-christian.beaumont@ec.europa.eu

Mr. Georges Vassilakis
Conseiller
Office L130 03/172
georges.vassilakis@ec.europa.eu

DG Agri and Rural Development
Rue de la Loi
European Commission
1049 Bruxelles
Belgium

Mrs. Linda Corugedo Steneberg
Director
Office BU 25-6/024
cnect-d@ec.europa.eu

Mr. Lars-Erik Forsberg
Deputy Head of Unit
Office BU 25-4/70
lars-erik.forsberg@ec.europa.eu

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

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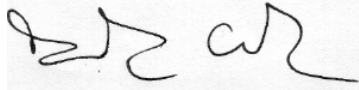
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We stay available for further exchange on this topic.

Regards,

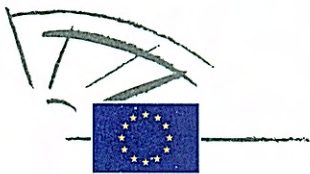


Markus Arbenz
Executive Director



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

PARLEMENT EUROPEEN - rue Wiertz -1047 BRUXELLES - Tél.+ 322 - 284 79 52 - Fax.+ 322 - 284 99 52
Assistants : F-X. VAUCHELLE - T. De LARY - M. LEFRANÇOIS

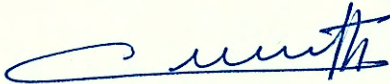
francoise.grossetete@europarl.europa.eu / www.francoise-grossetete.com

many communities – as long as they are in agreement with, or at a minimum do not undermine, the principles of the organic movement.

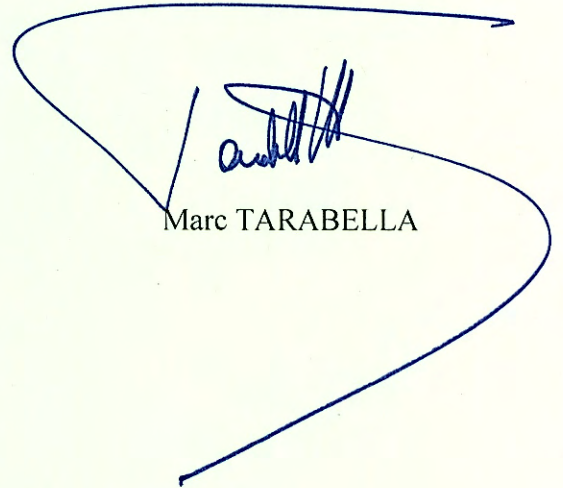
- 3) The intent of the .BIO application is not to replicate existing organic regulations (which by the way differ from country to country), because it would create unnecessary barriers to participation, would slow down innovation and the flow of information. The intent is to be inclusive of all participants 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.

IFOAM Head Office

Charles-de-Gaulle-Str. 5
53113 Bonn, Germany

Phone: +49 - 228 - 92650 - 10

Fax: +49 - 228 - 92650 - 99

Email: HeadOffice@ifoam.org

www.ifoam.org

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>