GAC ADVICE RESPONSE FORM FOR APPLICANTS

The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding new gTLD applications. Please see Section IV, Annex I, and Annex II of the GAC Beijing Communiqué for the full list of advice on individual strings, categories of strings, and strings that may warrant further GAC consideration.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for their consideration. Complete this form and submit it as an attachment to the ICANN Customer Service Center via your CSC Portal with the Subject, "[Application ID] Response to GAC Advice" (for example "1-111-11111 Response to GAC Advice"). All GAC Advice Responses must be received no later than 23:59:59 UTC on 10-May-2013.

RESPONDENT:

Applicant Name	Charleston Road Registry
Applicant ID	1-1138-87772
Applied for TLD (string)	.FILM

RESPONSE:

Introduction

We thank the ICANN Board for the opportunity to respond to the Governmental Advisory Committee (GAC) Advice and for considering the points offered in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR's .FILM application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 1.1 - GAC's Further Advice
- Section IV, Annex I, Category 2.1 - Restricted Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and appreciate the important role the GAC plays within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC Advice.

CRR's Response to Category 1 GAC Safeguard Advice for .FILM

CRR's underlying new gTLD business philosophy is that all of our registries operate in a way that is consistent with applicable laws. As stated in our application for .FILM, our mission is to help make information universally accessible and useful by extending the utility of the DNS while enhancing the performance, security, and stability of the Internet for users worldwide.

Category 1 safeguard advice suggests the following safeguards should apply to the .FILM string under the Intellectual Property category. It is our belief the safeguard advice the GAC has is already addressed in our application for .FILM. The following table outlines the GAC's safeguard advice and how our .FILM application addresses it.

#	Safeguard Advice	CRR Response
1	Registry's acceptable use policy will require registrants to comply with all applicable laws.	CRR's response to question 28.3, Abuse Policy Rights Reserved, of the Applicant Guidebook explicitly states: "CRR reserves the right to deny, cancel… any domain name….it deems necessary…to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process…".
2	Registry will require registrars to notify registrants of the above requirement.	CRR will include a provision in its Registry-Registrar Agreement requiring all registrars to notify registrants of this requirement.
3	Registry will require registrants with sensitive health and financial data to implement appropriate security measures as defined by applicable law and industry standards.	This advice is not applicable to our .FILM application. The .FILM TLD targets content or offerings related to the promotion or screening of films, many of which would presumably register the film name as the second level domain name. We do not expect registrants of the .FILM TLD to have commercial access to sensitive health and/or financial data.
4	Registry will form relationships with relevant regulatory or self-regulatory bodies to mitigate the risk of illegal activity.	CRR will also work with the appropriate industry associations to mitigate the risk of illegal activity.

5	Registry will require registrants to provide a current point of contact for the reporting of registration abuse, and the contact details for their industry regulatory or self-regulatory authority.	During the registration process, registrants are already required to provide both administrative and technical contacts, and registrants have an ongoing obligation to keep this information current. CRR intends to treat the administrative contact as the point of contact for reporting registration abuse. Additionally, CRR has also taken steps to mitigate issues arising from flawed registrant contact details. CRR's response to question 28.8, Abuse Prevention, of the Applicant Guidebook explicitly states: "CRR will authenticate registrant information by providing an email verification link sent to the registrant to confirm its email address. In addition, we will ensure an ongoing ability to contact the registrant via email by confirming the new email address as part of changes affecting the contact information." ~and~ "CRR plans to regularly monitor registration data for accuracy and completeness, employing authentication methods, and establishing policies and procedures to address domain names with inaccurate or incomplete WHOIS data."

*CRR's Response to Category 1.1 GAC's Further Safeguard Advice for .FILM **and** Category 2.1 Safeguard Advice for .FILM*

Apart from the safeguards CRR has outlined above in order to address the GAC's specific safeguard advice for Category 1 strings, we also want to point out specific safeguards we have built into our application for the .FILM string.

CRR's application for .FILM is a "restricted access TLD model". Restricted access TLD model means we have committed to enhanced levels of protection and eligibility verification as part of the registration process for this TLD. Specifically:

- *Registration Process:* Registration criteria will be designed to protect the .FILM community.
- *Eligibility Verification Process:* At the time of registration, registrars will be required to verify that each potential registrant is in fact a member of the applied-for community in

order to register a second-level domain in .FILM. Additionally, CRR reserves the right to adopt certain monitoring measures, including periodic audits, and the right to adopt enforcement measures, including a request that registrars facilitate a user reporting method to log complaints and∕or potential instances of misuse within the gTLD.

- *Rights Protection Mechanisms:* As set forth below in our discussion of additional safeguards, CRR is committed to implementing strong and integrated intellectual property rights protection mechanisms which build upon ICANN's required policies while encouraging innovation, competition, and choice on the Internet.
- *Entertainment-Specific Protections:* In addition to the enhanced protections that we will offer for all of CRR's new gTLD registries, certain "entertainment-targeting" registries will require registrars to include language in their registrar-registrant agreement that the registrant must be authorized or licensed to post any copyrighted content.

Additional Safeguards Provided for All CRR Applications

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

Conclusion

CRR believes its .FILM application aptly addresses the GAC's concerns articulated in its Category 1 and Category 2 GAC safeguard advice and should be permitted to continue through the new gTLD implementation process. We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.

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