

Response to Durban GAC Advice

Dear ICANN Board New gTLD Program Committee,

We would like to thank you for providing us with this opportunity to provide our response to the GAC's Durban Communiqué.

Please note that this string, .Online, was not explicitly mentioned in the Durban Communiqué. However, it was included in the GAC's Beijing Communiqué as part of the list of strings related to Intellectual Property.

We strongly believe that .Online does not belong in this list of strings, and has been erroneously included in the Beijing Communiqué. We provide our rationale behind this assertion:

- **.Online is not “linked to regulated or professional sectors” and does not “carry high levels of risk associated with consumer harm”**

GAC's Beijing Communiqué classifies the Category 1 strings as those that are “linked to regulated or professional sectors”. We submit that .Online is undoubtedly not linked to any specific sector at all, let alone regulated or professional sectors. And by extension it does not pose any levels of risk associated with consumer harm that are greater than those posed by currently existing generic TLDs such as .com, .net, etc.

- **.Online does not raise “Intellectual Property” concerns**

We would request the NGPC to briefly glance at the list of strings that the GAC has qualified as those that raise “Intellectual Property” related concerns. The list consists of strings such as .Book, .Film, .Movie, .Music, .App, .News, etc. There is a definite theme or commonality across all these strings, in that they are consistent with the GAC's stated purpose. That is, to flag the strings which are associated with “professional sectors” and / or are likely to raise “Intellectual Property” concerns. As applicants for .App, .Movie, .Music, and .News, we can see where these concerns stem from and acknowledge the existence of a threat of Intellectual Property theft. That being said, we now request you to consider .Online in comparison with these strings. The same threat of Intellectual Property theft simply does not apply.

- **.Online is generic**

Quoting from our answer to question 18 (b) sub-section 3, *“The purpose of .Online is to allow registrants to register their name in a TLD with no overriding meaning. We are not*

“commercial” or “non-profit” or “information” or “network”. We are .Online with the world. Registrants will have choice and the freedom to use the blank name space canvas that is .Online and create their own Internet masterpiece.” Additionally, Wikipedia describes the word “Online” as *“In general, “online” indicates a state of connectivity, while “offline” indicates a disconnected state.”* (Source: http://en.wikipedia.org/wiki/Online_and_offline). As is evident from our application, as well as a generally accepted description of the word “Online”, it is a generic word which is not related to any particular sector and is certainly not related to Intellectual Property.

- **GAC has misinterpreted the meaning of .Online**

We strongly believe that the GAC has misunderstood what .Online means and stands for. We urge the NGPC to evaluate the merits of the facts that we have presented above, and determine for it-self whether .Online deserves to be a part of the list of strings that raise Intellectual Property related concerns.

- **.Online should be removed from GAC’s list of Category 1 strings**

Over and above all of the stated details above, we request that the NGPC expedite the dialog with the GAC specifically in relation to the removal of .Online from the list of Category 1 strings, and generally in the resolution of all issues related to Category 1 strings.

- **Requesting an opportunity to communicate with the GAC**

Consequent to all the facts presented above, we respectfully request that the NGPC help us to convey our position to the GAC and if possible enable a channel of communication for us with the concerned GAC representatives, through which we could present our case to them directly.

We would once again like to thank the NGPC for this opportunity, and hope that this response, as well as our response to the GAC’s Beijing Communiqué for .Online will help accelerate the progress of .Online specifically and the new gTLD program overall.

Sincerely,

Brijesh Joshi

DotOnline Inc., Radix Registry