

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 of the [GAC London 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 London GAC Advice” (for example “1-111-11111 Response to London GAC Advice”). All GAC Advice Responses to the GAC London Communiqué must be received no later than 23:59:59 UTC on 04-August-2014.

Please note: This form will be publicly posted.

Respondent:

Applicant Name	TLDDOT GmbH
Application ID	1-1273-63351
Applied for TLD (string)	GMBH

Response:

TLDDOT GmbH for .GMBH® Comments on New gTLD Board Committee Consideration of GAC Safeguard Advice

We welcome the opportunity to submit this reply to some of the comments in response to ICANN’s request for comments on Section IV.1.b and Annex I of the GAC’s London Communiqué which refers to the GAC Advice on safeguards applicable to new generic top-level domain names (gTLDs).

Our reply refers to comments made to the “Additional Category 1 Safeguards” where the GAC Advice notes that “some of the above strings” may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards introduced in the first part of the GAC Advice:

1. GAC Members and Member States must take Responsibility

For the many strings which concern only a few precisely defined national legal frameworks, such as some corporate identifiers, the ICANN Board must take responsibility to consult with the GAC in order to facilitate an appropriate and responsible execution of the GAC Advice.

Otherwise situations will emerge in which applicants

a) refuse the GAC Advice Safeguards after succeeding as winners of string contention resolutions and

b) are located in jurisdictions where a GAC member or member state has no power to execute the GAC Advice.

This would potentially create .XXX like legal situations and by this harm to ICANN.

2. gTLDs must echo existing Legislation

The same rules and legal frameworks that apply for the use of particular strings targeting regulated sectors in the offline world MUST also apply in the online and new gTLD world.

Attempts of applicants to classify Corporate Identifiers such as LLC, LTD or GMBH or other regulated industry's strings as generic or dictionary terms without any protection with the sole goal to satisfy their investors' interests and maximize profits are obvious attempts to avoid any commitments to the public interest. The same applies for phony free speech or fairness arguments.

These attempts are also counterproductive to the strategic plan of ICANN to improve the perception of the domain name industry, instead contribute to damage the image of the DNS industry.

We also reiterate our comments made to the attached GAC Advice in the Singapore Communiqué.

Berlin 04 August 2013



Dirk Krischenowski
Managing Director

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ATTACHMENT

Response to Singapore GAC Advice:

We are the only community-based applicant for the extension .GMBH and are being supported by the GMBH community including the respective governments of the countries where GMBH is a corporate identifier. We would like to comment to the GAC Singapore communiqué as follows:

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We appreciate the re-iteration of recommendations for category 1 strings, which denotes the insufficient protections created by the non-binding nature of public interest commitments (PICs) and the necessity for verification of registrant data for Category 1 strings. We also echo our past comments made to the GAC Early Warnings and GAC Advices.

We have worked for over four years with the GMBH community and oversight governing bodies to ensure that the safeguards that a corporate identifier gTLD such as .GMBH deserves are implemented properly. The verification of registrants and registrant data is a major part of this and has been documented with our application. Additionally the respective governments of Austria, Germany and Switzerland have articulated their requirements to ICANN, too. We are consistent with those requirements as well. None of our competitors has taken such in-depth efforts.

As community-based applicant we are responsible for the all over quality of the management of the corporate identifier .GMBH. The verification of the registrant and domain names, community involvement, control mechanisms and a policy council are integral part of the DNA of our application. Other applicants who were unable to delineate specific policies and mechanisms in their applications or to adhere to GAC recommendations should not be awarded category 1 strings. Their PICs should not be considered sufficient to protect a sensitive TLD like .GMBH. It is also important to note that the GAC communiqués continued to support community-based applications and their safeguards. We also reiterate that community-based applications represent by far the strongest form of binding commitment to continued protections over time and are the most closely formatted to meet GAC recommendations.

We encourage ICANN to provide the GAC with specific responses in relation to the concerns listed in the GAC Singapore communiqué. ICANN should not try to minimize the potential damage that could be done to both registrants and end-users should corporate identifier TLDs like .GMBH be awarded to irresponsible applicants.

We additionally advise ICANN that it is against competitive rules to allow applicants to upgrade their applications in order to comply with the GAC requirements. It is better for registrants and end-users not to approve any of the applications for a corporate identifier rather than to approve a cobbled application that consists of un-sufficient policies, PICs, Change Requests, Safeguards and other anti-competitive plaster.

Therefore we hope that ICANN comes up with concrete, enforceable requirements and sustainable protection mechanisms that are binding for applicants and echo the GAC's requirements and the individual GAC member responses to particular strings.

A handwritten signature in black ink, appearing to read 'Dirk Krischenowski'.

Dirk Krischenowski
CEO and Founder

30 April 2014