

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 | I-REGISTRY Ltd., Niederlassung Deutschland |
| Application ID | 1-1003-97300 |
| Applied for TLD (string) | ONLINE |

Response:

Summary

I-REGISTRY Ltd., Niederlassung Deutschland (in the following “I-REGISTRY Ltd.”) welcomes and supports the GAC Advice as published on April 11, 2013, as the GAC Advice has been established in the Applicant Guidebook as an instrument to reject gTLD applications which e.g. violate national laws and / or do not recognize and incorporate public interests such as consumer protection.

I-REGISTRY Ltd. welcomes and supports the position of the GAC Advice as published on April 11, 2013, that “The GAC advises the Board that all safeguards highlighted in this document as well as any other safeguard requested by the ICANN Board and/or implemented by the new gTLD registry and registrars should:

- be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments - including, but not limited to, the UN Universal Declaration of Human Rights.
- respect all substantive and procedural laws under the applicable jurisdictions.
- be operated in an open manner consistent with general principles of openness and non-discrimination.”

General principles of operations for .ONLINE by I-REGISTRY Ltd.

I-REGISTRY Ltd. would like to state, that:

1. We will respect human rights and fundamental freedoms

We fully support human rights and fundamental freedoms of mankind, this includes but is not limited to the UN declaration of rights . In this respect we would like to emphasize two principles of the UN declaration of rights:

- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

2. We will respect national laws

According to our policies in question 18, we stated under “IV. Acceptable Use of .online Domain Names” the “5. Acceptable Use Policy”. I-REGISTRY Ltd. is aware that the use of the internet including the registration and use of internet domain names may effect third party’s rights, including but not limited to, personal rights, privacy rights, data privacy rights and intellectual property rights as well as criminal laws, civil laws and administrative laws, including the regulations concerning the privacy law and consumer protection.

I-REGISTRY Ltd. understands that aforesaid rights and laws might, as the case may be, follow different legislatures and jurisdictions due to the internationality of the internet. I-REGISTRY Ltd. respects and acknowledges the national legal systems of all national legitimate constitutional states as well as higher-level and superior laws, regulations and conventions and uses its best endeavors to anticipate and to impede any unlawful violations and infringements and to support law enforcements to the legitimate extent. That said, also I-REGISTRY Ltd.’s partners are expected to respect, acknowledge and comply with all the international legal provisions which might be effected, independent from the partner’s location, its seat of business or place of origin.

I-REGISTRY Ltd. developed different measures in order to meet this admission. For example I-REGISTRY Ltd. supports ICANN’s Transfer Dispute Resolution Process, established a rights protection system, provides a concrete and binding Anti-Abuse Policy, provides a point-of-contact information for reporting suspected abuse, commits to rapid identification and resolution of abuse including suspensions, ensures completeness of WHOIS information at the time of registration; publishing and maintains procedures for removing orphan glue records for names removed from the zone, and establishes measures to deter WHOIS abuse.

3. We will operate the TLD in an open manner consistent with general principles of openness and non-discrimination

The fundamental goals of the Introduction of New gTLDs are:

- The new gTLD program will create a means for prospective registry operators to apply for new gTLDs, and create new options for consumers in the market.
- To foster diversity, encourage competition, and enhance the utility of the DNS.
- ICANN expects a diverse set of applications for new gTLDs, including IDNs, creating significant potential for new uses and benefit to Internet users across the globe.

We fully support these goals with the underlying principles of openness and non-discrimination, which will lead to greater choice and diversity for consumers based on competition among registries.

Detailed commitments by I-REGISTRY Ltd. for .ONLINE on General Safeguards and Consumer Protection Safeguards

I-REGISTRY Ltd., the applicant for the .ONLINE Top-Level-Domain, will implement as already stated in the application the following safeguards in a manner that (i) is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights, (ii) respects all substantive and procedural laws under the applicable jurisdictions, and (iii) the gTLD be operated in an open manner consistent with general principles of openness and non-discrimination. The safeguards will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - I-REGISTRY Ltd. will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weigh the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. I-REGISTRY Ltd. will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.
2. Mitigating abusive activity - I-REGISTRY Ltd. will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
3. Security checks - While respecting privacy and confidentiality, I-REGISTRY Ltd. will periodically conduct a technical analysis to assess whether domains in its gTLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If I-REGISTRY Ltd. identifies security risks that pose an actual risk of harm, I-REGISTRY Ltd. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
4. Documentation - I-REGISTRY Ltd. will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. I-REGISTRY Ltd. will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
5. Making and Handling Complaints - I-REGISTRY Ltd. will ensure that there is a mechanism for making complaints to I-REGISTRY Ltd. that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.
6. Consequences - Consistent with applicable law and any related procedures, I-REGISTRY Ltd. shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name.

I-REGISTRY Ltd. commits to operate the gTLD in a way that is consistent with applicable laws, as this TLD is related to consumer protection, sensitive TLDs and/or regulated markets. The following safeguards will apply to .ONLINE:

1. I-REGISTRY Ltd. has already included in its acceptable use policy (according to section IV. Acceptable Use of .online Domain Names; 5. Acceptable Use) that registrants have to comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.
2. I-REGISTRY Ltd. will require registrars at the time of registration to notify registrants of this requirement. An example for this notification may be: „This can be technically accomplished by displaying the relevant guidelines and conditions to the registrant during the registration process. The registration can only be completed if the registrant confirms actively "I have read and understood these conditions and completely agree. I agree to abide to them.
3. I-REGISTRY Ltd. will require that registrants who collect and maintain sensitive health and financial data implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.
4. I-REGISTRY Ltd. established a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including the development of a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities. To date, relations have been initiated with relevant self-regulatory bodies, and will be extended in the future.
5. Registrants will be required by I-REGISTRY Ltd. to notify to them a single point of contact which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

I-REGISTRY will, if requested by ICANN and/or the GAC, file in addition to this document a binding “Public Interest Commitment” containing the above stated measures. We’re asked to provide a statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore we reserve the right to limit our statements to those being approved by the ICANN New gTLD Program Committee.