

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	HOTEL Top-Level-Domain S.à.r.l.
Application ID	1-1032-95136
Applied for TLD (string)	.HOTEL

Response:

Summary

Hotel Top-Level-Domain Sarl welcomes 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 fail to sufficiently recognize and incorporate public policy issues such as consumer protection.

Hotel Top-Level-Domain Sarl 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.”

*** Community-based application for .HOTEL by Hotel Top-Level-Domain Sarl ***

We welcome and support the GAC Advice as published on April 11, 2013, section IV” GAC Advice to the ICANN Board”, 1.e. “Community Support for Applications”:

The GAC advises the Board: i. that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.

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**** We serve the Interests of the Community and the Public ****

Our application for the string .HOTEL is a community-based application. The Community for the .HOTEL top-level domain consists of entities that are hotels, operate hotels or represent hotels through an association. This Hotel Community intends to use .hotel domain names for their presentation, communication and commerce, and/or promote the hotel community online. We have been successfully working since 2008 on building a long-lasting relationship to the various stakeholders of this community including hotel associations worldwide, individual hotels and other hotel operators such as hotel chains.

The community members have expressed a collective and clear supporting opinion on our application by supporting documents.

We have consulted with multiple relevant entities that make up the community worldwide. According to our eligibility requirements which are in line with the requirements for community applications as stated in the AGB, .hotel domains will be available for registration to all companies which are member of the Hotel Community on a local, national and international level. We will not give an undue preference to any registrars or registrants, including ourselves, and will not subject registrars or registrants to an undue disadvantage.

***** General principles of operations for .HOTEL by Hotel Top-Level-Domain Sarl *****

Hotel Top-Level-Domain Sarl 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 (<http://www.un.org/en/documents/udhr/index.shtml>). 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

As stated in our application, we require our registrars and registrants to comply with all applicable laws, including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct), disclosure of data, and financial disclosures.

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.

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

*** Detailed commitments by Hotel Top-Level-Domain Sarl for .HOTEL based on General Safeguards ***

Hotel Top-Level-Domain Sarl, the applicant for the .HOTEL 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 are in detail:

1. WHOIS verification and checks – As described in our answer to question 28 in our application, Hotel Top-Level-Domain Sarl will conduct checks on a statistically significant basis to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data every month. We will cooperate with registrars on the basis of the Registrar Accreditation Agreement to ensure WHOIS data accuracy. We 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 – Also described in our answer to Q28 is that Hotel Top-Level-Domain Sarl 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, Hotel Top-Level-Domain Sarl 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, as described in our answer to Q28. If Hotel Top-Level-Domain Sarl identifies security risks that pose an actual risk of harm, Hotel Top-Level-Domain Sarl 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 - As we have stated in our answer to Q28 Hotel Top-Level-Domain Sarl 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. Hotel Top-Level-Domain Sarl 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 - As we have stated in our answer to Q28 Hotel Top-Level-Domain Sarl will ensure that there is a mechanism for making complaints to Hotel Top-Level-Domain Sarl 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, we have described in our answer to Q28 that we will ensure that there are real and immediate

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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.

Hotel Top-Level-Domain Sarl would like to note that our registration policies already reflect these requests. In addition, security issues have been extensively dealt with in our answer to Question 30: "Afilias [our registry backend service provider] aggressively and actively protects the registry system from known threats and vulnerabilities, and has deployed an extensive set of security protocols, policies and procedures to thwart compromise."

Hotel Top-Level-Domain Sarl would like to note that .hotel will not be operated as an exclusive registry access TLD limited to Hotel Top-Level-Domain Sarl as being the only registrant. Therefore the GAC Advice on exclusive access of generic terms does not apply to .hotel by Hotel Top-Level-Domain Sarl . 4e

We were asked to provide a statement to the GAC Advice without knowing the decision by the ICANN New gTLD Program Committee. Therefore Hotel Top-Level-Domain Sarl reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on community feedback including the GAC.