

# 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	Dotsecure Inc.
Application ID	1-1053-59307
Applied for TLD (string)	Bank

## Response:

We would like to thank the GAC as well as ICANN for offering us the opportunity to provide our response to GAC’s Communiqué dated 11th April 2013. We respect the GAC’s concerns and welcome this chance to address each of the proposed safeguards individually. We also submit that we will comply with all safeguards as required by ICANN.

The GAC has advised the ICANN Board that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

1. WHOIS verification and checks – Registry Operators 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. Registry Operators 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.

Response: We acknowledge the GAC’s concerns over WHOIS verification and checks, and would like draw the GAC’s attention to our application answer to Question 28 (Abuse Prevention and Mitigation) sub-section 5.2:

“Regular Monitoring and Sampling: Registrants of randomly selected domain names will be contacted by telephone using the provided Whois information by a member of our team in order to verify the phone number and confirm other Whois information. Where the registrant is not contactable by telephone, alternative contact details (email, postal address) will be used to contact the registrant who must then provide a contact number that is verified by our team. In the event that the registrant is not able to be contacted by any of the methods provided in

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Whois, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt (based on the premise that a failure to respond is indicative of inaccurate Whois information and is grounds for terminating the registration agreement).”

In addition, the currently proposed Registrar Accreditation Agreement Section 3.7.8 also requires all registrars to comply with a very thorough Whois Accuracy Program Specification (<http://www.icann.org/en/resources/registrars/raa/proposed-whois-accuracy-22apr13-en.pdf>) which also includes validation and verification of Whois data.

Consequent to both of the above, we believe that the GAC’s objectives with respect to Whois verification and checks will be met at the Registry and Registrar levels. However, if ICANN requires any additional specific measures to be taken at the Registry level, we would be happy to discuss and implement a feasible solution.

2. Mitigating abusive activity: Registry operators will ensure that the 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.

Response: We acknowledge and agree with the GAC’s concerns with respect to illegal usage of domain names. Our application provides details of our Acceptable Content and Usage Policy that includes protection of Intellectual Property, Trademark, Copyrights and Patents, and prohibits spamming, phishing, pharming and DNS hijacking, distribution of viruses or malware, child pornography, using fast flux techniques, running botnet command and control operations, hacking, financial and other confidence scams, illegal pharmaceutical distribution. We also draw the GAC’s attention to our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 4.7:

“Contractual Provisions: Below are some additional points that we will look to cover in the Registry Registrar Agreement (RRA). These clauses will enable us to enforce some additional, proactive measures to curb and deter abuse:

Relevant language that requires Registrars to provide for the following in their agreement with the Registrants

- \*\* Whois accuracy provisions
- \*\* Acceptable content and usage policy”

As evidenced by our application, we intend to require registrars (through the RRA) to contractually require registrants to accept our Acceptable content and usage policy which covers all of the concerns cited by the GAC under this proposed safeguard.

3. Security Checks: While respecting privacy and confidentiality, Registry Operators will periodically conduct a technical analysis to assess whether domain names in its gTLD are being used to perpetrate security threats, such as phishing, pharming, malware, and botnets. If the Registry Operator identifies security risks that pose an actual risk of harm, Registry Operator will

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notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Response: We acknowledge the GAC's concerns and submit that we are willing to conduct such a technical analysis, and also take the remedial action suggested by the GAC. This was and remains our intention behind prohibiting such usage as part of our Acceptable content and usage policy. Any violation of the same will be treated as a case of abuse, as detailed in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

That being said, we would look forward to ICANN providing additional clarity on the details of this technical analysis such as frequency, etc.

4. Documentation: Registry operators 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. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Response: We acknowledge the GAC's concerns, and submit that we are willing to maintain all such statistical reports as required by ICANN.

Once again, we look forward to ICANN providing additional clarity on the requirements of these statistical reports, such as level of detail, format, etc.

5. Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator 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.

Response: We acknowledge the GAC's concerns above, and submit that we have detailed such mechanisms in our application. We draw the GAC's attention to our answer to Question 28 sub-section 4.1 wherein we have provided details of the mechanisms that users, security agencies, and law enforcement bodies can use in order to make complaints about inaccurate Whois information and any of the abovementioned activities. Sub-sections 4.2 through 4.5 details how these complaints will be evaluated, categorized and mitigated subject to strict Service Level Agreements.

Having said that, we are more than willing to discuss and implement any specific additional mechanisms for making and handling complaints as required by ICANN.

6. Consequences: Consistent with applicable law and any related procedures, registry operators 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

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should not be used in breach of applicable law; these consequences should include suspension of the domain name.

Response: We acknowledge and agree with the concern voiced by the GAC. We submit that we have made this provision in our answer to Question 28 sub-section 4.7: Contractual Provisions. Quoting from our application:

“As the registry operator, we will use the Registry-Registrar Agreement (RRA) to establish the registry’s right to act against abusive registrations...

...In general, the contracts will establish that the registry operator may reject a registration request, or can delete, revoke, update, suspend, cancel, or transfer a registration for violations of our anti-abuse policies. The terms in our proposed agreement will empower us to take necessary action including, but not limited to:

\* Discretionary action against domain names that are not accompanied by complete and accurate information as required by ICANN Requirements and/or Registry Policies or where required information is not updated and/or corrected as required by ICANN Requirements and/or Registry Policies;

\* Action as may be required to comply with any applicable law, regulation, holding, order, or decision issued by a court, administrative authority, or dispute resolution service provider with jurisdiction over the Registry;”

Having said that, we would be happy to discuss and implement any specific additional consequences that are required by ICANN.

## Category 1 strings

We understand the GAC’s apprehension around the delegation of sensitive strings that are related to consumer protection, and regulated markets. We also acknowledge the fact that this string is sensitive in nature, and we have made significant efforts to prepare our application accordingly. As we have provided our response on each safeguard recommended by GAC above, we will continue to do the same with the additional measures suggested by the GAC for the Category 1 strings.

1. Registry operators will include in its acceptable use policy that registrants comply with all acceptable 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 discourses.

Response: We submit that we will include the above provisions in our acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Response: We acknowledge the GAC's recommendation, and submit that we will look to cover this issue by including language in our RRA that will require the registrant to accept our acceptable content and use policy as part of the Registrar Registrant Agreement.

In addition to this, we will comply with any specific method of notifying registrants that ICANN mandates.

3. Registry operator 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.

Response: We submit that we will include this provision in our acceptable content and use policy, which will be part of the Registrar Registrant Agreement. As an added layer of security we will include a clause that any violations of the above provision will be treated as a case of abuse and will be dealt with according to the procedure described in our answer to Question 28 (Abuse Prevention and Mitigation) sub-section 2.2: Acceptable Usage Related Violations.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal activities.

Response: We acknowledge the GAC's concerns with respect to the possibility of risks stemming from fraudulent and other illegal activities. We submit that we have taken a multitude of steps to minimize any foreseeable threats in this TLD, and those have been detailed in our application. While our research shows that there is no single regulatory body associated with this particular string, we are extremely open to establishing relationships with any relevant authority / authorities that ICANN prescribes for this string.

In case the mechanisms detailed in our application for countering risks of fraudulent and illegal activities are considered insufficient, we would be more than willing to discuss and implement additional measures as required by ICANN.

5. Registrants must be required by the registry operator 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.

Response: We acknowledge the GAC's recommendation above, and would like to draw the GAC's attention to our answer to Question 28, sub-section 4.1.1:

"SINGLE POINT OF CONTACT

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In accordance with section 4.1 of specification 6 of the Registry Agreement we will establish a single abuse point of contact (SAPOC) responsible for addressing and providing a timely response to abuse complaints concerning all names registered in the TLD through all registrars of record, including those involving a reseller. Complaints may be received from members of the general public, other registries, registrars, LEA (Law Enforcement Agencies), government and quasi governmental agencies and recognised members of the anti-abuse community.

The SAPOC's accurate contact details (email, fax and mailing address) will be provided to ICANN and published on the abuse page of our Registry website."

We believe that the above provision should suffice to allay the first part of this concern voiced by the GAC.

With respect to providing the contact details of the relevant regulatory or industry self-regulatory bodies in their main place of business, we submit that we agree to provide these contact details where ever applicable, and as required by ICANN. Over and above these, we are prepared to discuss any additional measures to handle complaints or reports of abuse that ICANN deems fit.

## Additional Safeguards for Category 1 strings associated with certain market sectors

We also agree with the GAC that certain strings are associated with market sectors which have clear and / or regulated entry requirements in multiple jurisdictions, and that additional safeguards should apply to this sub-set of strings. We submit that this TLD, .Bank is indeed a part of the sub-set of strings that require further targeted safeguards to address specific risks, and to bring registry policy in line with arrangements in place offline. We would urge the GAC and the ICANN board to review our application in its entirety to assess the strength and details of security measures and policies we have put in place in order to ensure that the registry policy is in line with arrangements in place offline.

That being said, we have addressed each of the safeguards recommended by the GAC as follows.

6. At the time of registration, the registry operator must verify and validate the registrants' authorizations, charters, licenses and / or other related credentials for participation in that sector.

Response: We acknowledge the GAC's concerns and submit that this safeguard is acceptable to us. As detailed in our application, verification and validation of the registrants' credentials will be a key function which will be performed by an external 3rd party agency. A quote from such a 3rd party service provider was also provided as part of our application, on the basis of which our business plans have been made. The selected 3rd party agency will be contractually required by us to verify and validate the potential registrants' licenses and credentials, in addition to a list of

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other verifications such as domain validation, compliance with our Eligibility Restrictions and Name Selection Policy, and the individual registrants' authority to register the domain name.

We believe that a review of our application will serve to show that our plans for .Bank are extremely thorough and in line with the GAC's expectations.

7. In case of doubt with regard to the authenticity of licenses or credentials, registry operators should consult with relevant national supervisory authorities or their equivalents.

Response: We acknowledge the GAC's concerns above and submit that we will contractually require our 3rd party verification agency to clear any doubts with respect to authenticity of licenses or credentials by methods that include consulting with the relevant national supervisory authority or their equivalents.

8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements in order to ensure they continue to conform to appropriate regulations and licensing requirements and generally conduct their activities in the interests of the consumers they serve.

Response: We acknowledge the GAC's concern with respect to ensuring that registrants' continue to comply with appropriate regulations and licensing requirements. We submit that we are willing to carry out the periodic post-registration checks such as those suggested by the GAC with the aim of ensuring that registrants continue to comply with our Eligibility Restrictions and other security policies.

That being said, we look forward to ICANN Board providing additional guidance about the details of such checks as per ICANN's requirements.

We would also like to use this opportunity to state that we are more than willing to work with the GAC and ICANN to address any specific or broad areas of concern in addition to the 14 areas mentioned above. Furthermore, we are willing to be contractually bound by any provisions that ICANN requires. Once again, we would like to thank the GAC for putting together this Advice, as well as ICANN for providing us with the opportunity to clarify our stance on the individual matters. We hope that our responses have been satisfactory, and would welcome any follow-up questions or specific safeguards that the GAC may propose for us.