

# 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	DotClick Inc.
Application ID	1-1068-4952
Applied for TLD (string)	Click

## 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.

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 6 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.