

## 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 Communique](#) 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	Charleston Road Registry Inc.
Applicant ID	1-1099-17190
Applied for TLD (string)	.CLOUD

### RESPONSE:

#### Introduction

We thank the ICANN Board for the opportunity to respond to the Government Advisory Committee (GAC) Advice and for considering the arguments put forth in this response. In all, Charleston Road Registry, Inc. (CRR) received advice on 31 of its applied-for strings. This response specifically addresses concerns with CRR’s .CLOUD application described in the below Sections of the Communique:

- Section IV, Annex I, Category 1 - Consumer Protection, Sensitive Strings and Regulated Markets: Intellectual Property Category
- Section IV, Annex I, Category 2.2 – Exclusive Access

We also thank the GAC for the time and effort we know must have gone into the preparation, drafting and issuance of its advice. We recognize the difficult work the GAC undertakes and we also know that the GAC plays an important role within the multi-stakeholder process. We were happy to see the GAC reach consensus on many important issues.

CRR has always been and remains very committed to the security and stability of the domain name system as well as the success of the new generic top-level domain (gTLD) program and it is in that spirit that we submit the following response to the GAC advice.

### Purpose of the .CLOUD TLD

CRR initially applied for the .CLOUD TLD in order to provide a dedicated namespace for cloud offerings for its parent company, Google. On March 7, 2013, CRR submitted [Public Comments](#) responding to the Board's request for input on "Closed Generic" applications and announced that we would work to amend our application to allow third parties to register within the TLD as well. On April 6, 2013, CRR sent a [letter](#) to Christine Willett, ICANN's New gTLD Program General Manager, stating our plan to amend our .CLOUD application from an exclusive access model to a restricted access TLD model. We continue to work with others in the Cloud community to define the model for the TLD, but we intend for it to be used to offer cloud services to developers.

### Category 1 GAC Safeguard Advice Does Not Apply to CRR's .CLOUD Application

The GAC's Category 1 safeguard advice asks that strings that are linked to regulated or professional sectors provide additional consumer protections.

Category 1 safeguard advice suggests additional safeguards that should apply to the .CLOUD string under the Intellectual Property Category. It is our belief that the safeguard advice the GAC has requested for this string does not apply to CRR's application for .CLOUD as "cloud" is not part of a regulated or professional sector involving a level of implied trust from consumers and carrying higher levels of risk associated with consumer harm. The term "cloud" is a generic word that is not directly related to a specific type of regulated offering, nor is it generally associated with a specific type of content for which intellectual property safeguards would be appropriate. Further, CRR has adopted a set of safeguards that go above and beyond safeguards required by the Applicant Guidebook and as such, we feel that all of our TLDs will offer consumers considerable protections against abuse.

### Category 2.2 - Exclusive Access Safeguard Advice Does Not Apply to CRR's .CLOUD

CRR notes .CLOUD is a listed string under the GAC's Category 2.2 Exclusive Access safeguard advice. As noted above, our application for .CLOUD was originally submitted to ICANN as an exclusive access TLD but have subsequently announced our intention to modify the application to be a restricted access model, limited to uses related to cloud service offerings. We are currently in active discussions with others in the community and will submit a change request to ICANN with details of changes to our application in the near future. Exclusive access model means the TLD is limited to the exclusive use of the applicant, whereas we intend for the TLD to be open to all ICANN-accredited registrars, and registration of a domain name in the TLD will be open to those who meet the restriction guidelines. Therefore, it is our belief that CRR's

application for .CLOUD is not a member of the GAC's Category 2 - Exclusive Access safeguard advice.

### *Additional Safeguards Provided for All CRR Applications*

Finally, as part of our commitment to improving the Internet ecosystem through the new gTLD program, CRR seeks to mitigate the problem of abusive registrations and uses of domain names. We recognize that such abuses create security and stability issues for the registry, registrars, and registrants, as well as for users of the Internet in general. Accordingly, CRR will work hand-in-hand with our parent company, Google Inc., to provide a secure Internet space for all of our new gTLD registries, where harmful practices such as phishing, malware, spamming, pharming, and child pornography are not tolerated. Our robust abuse policy will ensure that CRR has the authority to suspend, cancel, or transfer domain names that violate such prohibitions.

In addition, we have worked with the community to develop additional intellectual property rights protection mechanisms that build upon ICANN's requirements, stipulated in the Applicant Guidebook, but still allow for ample competition and choice on the Internet. In addition to the carefully negotiated requirements mandated by ICANN, CRR has committed to double the length of the mandatory Sunrise Period from 30 days to 60 days and to extend the Trademark Claims Service indefinitely for all of our open registries. The recent expansion of the Claims Service that allows up to 50 previously abused strings per Trademark Clearinghouse submission to be included, coupled with our indefinite Claims Service significantly reduce rights holders' burdens by reducing monitoring costs and deterring potential cybersquatters. CRR's commitment to engage in pre-registration verification of potential domain name registrants should further serve to reduce fraudulent practices and to facilitate better communication between the parties to a dispute.

We believe that such measures provide strong safeguards against potential abuse across CRR's registries, and we will continue to maintain an open dialogue with the community as we work on drafting and implementing our policies.

### *Conclusion*

CRR believes its application for .CLOUD should not be included on the GAC's list of applications subject to either Category 1 or Category 2.2 safeguard advice. Category 1 GAC Advice is meant to address higher risk levels associated with strings linked to regulated or professional sectors. .CLOUD is targeted at cloud service offerings, and is not linked to any regulated or professional sector nor is it related to any particular type of intellectual property. Similarly, .CLOUD will not be operated on an exclusive-use basis so the Category 2.2 advice should not apply. Therefore, we respectfully request that CRR's application for .CLOUD not be subject to any string-specific safeguard advice from the GAC.

We would like to thank the Board for its consideration of our response, and we look forward to continuing the dialogue with the Board, the GAC and the ICANN community regarding the new gTLD program.