

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	dot Date Limited
Application ID	1-1247-30301
Applied for TLD (string)	.DATE

Response:

Date GAC Advice Response to the ICANN Board

Date

The applicant was extremely surprised and disappointed to see the inclusion of our application for .date (1-1247-30301) in the list of strings that the GAC has requested be delayed until the GAC has had a chance for further consideration during the July meeting in Durban. Our surprise stems from the following points:

1) On November 20, the applicant received an early warning from the Government of Japan about concerns related to the application of .date. In our Japanese and English responses sent to the Government of Japan on 18/01/2013 we explained the following points:

a) The dot Date Limited application for .date is not an application for a geographic name.

As part of the ICANN new gTLD Application process, applicants were required to answer a question as to whether the application is for a geographic name. Our answer is as follows:

21(a). Is the application for a geographic name?

No

Furthermore, The Guidebook says at 2.2.1.4.2:

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The following types of applied-for strings are considered geographic names and must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for a city name, **where the applicant declares that it intends to use the gTLD for purposes associated with the city name.**

Our application is not intended for use for the cities of Date. The guidebook specifically envisages the situation where a generic name is the same as a city name, and provides for this possibility.

Since our application is not a geographic application, we are not required to submit documentation of support or non-objection from a local governmental authority.

b) The mission and purpose of our .date registry is to create secure and stable online environment for the online dating sector, not about geographic locations.

Our answer to question 18(a) Mission and Purpose contains the following information about why we are applying for .date:

Why .date?

Online dating has become increasingly popular over the past decade. It has allowed millions of users to connect with others across cultural, social and economic borders and in some cases start something special. However choosing the right dating site can be a difficult decision to make.

Since its inception the internet has revolutionized the way we communicate, empowered hundreds of millions with knowledge and created a platform where global commerce can thrive. However, access to the countless benefits and opportunities which the internet offers can often be hindered when navigating the ever-expanding sea of irrelevant and sometimes malicious content which also exists.

Thus, the aim of .date is to create a blank canvas for the online dating sector set within a secure environment. The Applicant will achieve this by creating a consolidated, versatile and dedicated space for the dating sector. As the new space is dedicated to those within the dating affinity group the Applicant will ensure that consumer trust is promoted. Consequently consumer choice will be augmented as there will be a ready marketplace specifically for dating enterprises to provide their goods and services. All stakeholders within the sector

will be able to sample reactions to new ideas, or gather thoughts on the improvements of established ones. This will drive innovation and competition within the dating sector as there will be new channels available not yet fulfilled by current market offerings. This new environment will cause registrants to seek new ways to separate themselves from the competition.

c) The risk of confusion is extremely remote.

People who visit the websites for cities in Japan are used to following a specific nomenclature for the domain name: `www.city.date.[prefecture].jp` where all city websites end in `.jp`. In the event one mistakenly visits a website ending in `.date`, spelled with Latin Alphabet Characters, it will be readily apparent from the content that this is not affiliated with a city in Japan.

The chances of this happening are remote.

2) The ICANN Board should be concerned with issues of fundamental fairness and transparency in the GAC Early Warning and Objection Process.

As an applicant in the new gTLD program, we have subjected ourselves to following the rules and procedures that govern the program, including the GAC Early Warning and Advice procedures. As such, we abided by these in responding to the Government of Japan's Early Warning and in submitting a PIC Specification as called for by the GAC as a whole.

Even though we have followed the procedures, we have never heard back from the Government of Japan regarding our response and efforts to alleviate their concerns regarding our application. As the deliberations among the GAC members in Beijing were closed to the public, we have no way of knowing what specific concerns have been raised in addition to the initial concerns raised by the Government of Japan or if other members of the GAC share these same concerns.

As an applicant, it is impossible for us to effectively discuss the issues with the GAC or individual members of the GAC if they themselves do not engage in good faith discussions with applicants.

During the intervening months before the meeting in Durban, we will continue our efforts to engage the Government of Japan to alleviate these concerns but if Governments themselves do not come to the table to discuss these issues, applicants such as ourselves are not an equal partner in the multistakeholder model.

This is not to say that every early warning was like this. Other applications submitted by related entities received early warnings from the Government of Australia. After receiving our

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responses to the Early Warnings from Australia, we were invited to further discuss the issues at hand with the Australian GAC representative and additional members of the Australian Government.

In approving the Guidebook and new gTLD program, the ICANN Board cemented a process that if followed by all parties in the ICANN model, would allow for an exchange of thoughts and solutions on applications where governments have legitimate concerns. This process also includes procedures and definitions about types of strings as previously referenced in this response and embodied in the Applicant Guidebook.

This case of Advice is unfortunate because we could be prevented from rightfully operating a new gTLD registry because one government did not follow the Board Approved process. That is not what the ICANN Board envisioned and certainly not what applicants expected after paying fees and submitted applications.

Ultimately our hope is the Government of Japan decides to take us up on our willingness to discuss their concerns. Absent that, we ask the Board of Directors to exercise its authority as outlined in the ICANN Bylaws and Applicant Guidebook and not delay the processing of our application for .date by rejecting the GAC advice on this application.