

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	AUTOMOBILI LAMBORGHINI S.P.A.
Application ID	1-1261-2722
Applied for TLD (string)	LAMBORGHINI

Response:

AUTOMOBILI LAMBORGHINI S.P.A. welcomes and supports 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 do not recognize and incorporate public interests such as consumer protection.

AUTOMOBILI LAMBORGHINI S.P.A. 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.”

General principles of operations for .LAMBORGHINI by AUTOMOBILI LAMBORGHINI S.P.A. AUTOMOBILI LAMBORGHINI S.P.A. 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 . 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.

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- 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

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.

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 AUTOMOBILI LAMBORGHINI S.P.A. for .LAMBORGHINI based on General Safeguards

AUTOMOBILI LAMBORGHINI S.P.A., the applicant for the .LAMBORGHINI 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 will be subject to contractual oversight.

The Safeguards are in detail:

1. WHOIS verification and checks - AUTOMOBILI LAMBORGHINI S.P.A. 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. AUTOMOBILI LAMBORGHINI S.P.A. 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 - AUTOMOBILI LAMBORGHINI S.P.A. 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, AUTOMOBILI LAMBORGHINI S.P.A. 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. If AUTOMOBILI LAMBORGHINI S.P.A. identifies security risks that pose an actual risk of harm, AUTOMOBILI LAMBORGHINI S.P.A. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

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4. Documentation - AUTOMOBILI LAMBORGHINI S.P.A. 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. AUTOMOBILI LAMBORGHINI S.P.A. 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 - AUTOMOBILI LAMBORGHINI S.P.A. will ensure that there is a mechanism for making complaints to AUTOMOBILI LAMBORGHINI S.P.A. 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, AUTOMOBILI LAMBORGHINI S.P.A. 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 should not be used in breach of applicable law; these consequences should include suspension of the domain name.

AUTOMOBILI LAMBORGHINI S.P.A. would like to note that registration policies will be setup according to this request.

AUTOMOBILI LAMBORGHINI S.P.A. would like to note that .LAMBORGHINI is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply. Furthermore AUTOMOBILI LAMBORGHINI S.P.A. would like to state that the .LAMBORGHINI is not in the public interest, but a representation of Intellectual property rights of VOLKSWAGEN.

AUTOMOBILI LAMBORGHINI S.P.A. will, if requested by ICANN and/or the GAC, file in addition to this document a binding "Public Interest Commitment" containing the above stated measures.

AUTOMOBILI LAMBORGHINI S.P.A. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.