

# 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	GTLD Limited
Application ID	1-1309-22501
Applied for TLD (string)	INC

## Response:

Dear ICANN Board & GAC,

First and foremost, GTLD Ltd. thanks the GAC for providing a comprehensive set of advice to the ICANN Board on the subject of safeguards for new gTLDs. We also appreciate the opportunity to provide our response and feedback to the ICANN Board.

As a responsible new gTLD applicant, GTLD Ltd. is glad to say that it has already included many measures in the submitted proposal to address the issues raised by the GAC, and believe that its proposal is fully compliant with the GAC advice. We further remain fully prepared to work closely with the GAC and GAC members on any area to further enhance the safeguard measures for the governance and management of the introduction and operations of the .INC gTLD in an orderly, secure and stable manner, technically and socially.

Regarding the “.INC” TLD specifically, GTLD Ltd. understands and acknowledges that the string “.INC” is used as a short form of “.INCORPORATED” and a form of registered legal entity not only in the United States, but also Canada, Australia and the Philippines. In fact in our proposal, the Registry is committed to take strong measures to curb abusive registrations that exploit this. These include, in addition to standard Rights Protection Mechanisms, comprehensive extra reservation and Sunrise processes, prolonged priority periods, special claims and notification procedures that aim to ensure a stable and orderly launch of the .inc TLD into the technical and social fabric of the Internet (further discussions are included in #18c and #29).

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More importantly, as far as we understand, GTLD Ltd.'s proposal is the only application for “.INC” that has included consideration for and has identified such an extensive coverage of authorities and bodies relevant to the “.INC” designation and has committed to working closely with them in the operations of the “.INC” gTLD (included in our response to #18c):

## United States:

Alaska	<a href="http://commerce.alaska.gov/CBP/Main/CBPLSearch.aspx?mode=Name">http://commerce.alaska.gov/CBP/Main/CBPLSearch.aspx?mode=Name</a>
Alabama	<a href="http://arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT">http://arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT</a>
Arizona	<a href="http://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/connect.p?app=names-report.p">http://starpas.azcc.gov/scripts/cgiip.exe/WService=wsbroker1/connect.p?app=names-report.p</a>
Arkansas	<a href="http://www.sos.arkansas.gov/corps/search_all.php">http://www.sos.arkansas.gov/corps/search_all.php</a>
California	<a href="http://kepler.sos.ca.gov/">http://kepler.sos.ca.gov/</a>
Colorado	<a href="http://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do">http://www.sos.state.co.us/biz/BusinessEntityCriteriaExt.do</a>
Connecticut	<a href="http://www.concordsots.ct.gov/CONCORD/online?sn=PublicInquiry&amp;eid=9740">http://www.concordsots.ct.gov/CONCORD/online?sn=PublicInquiry&amp;eid=9740</a>
Delaware	<a href="https://delecorp.delaware.gov/tin/GINameSearch.jsp">https://delecorp.delaware.gov/tin/GINameSearch.jsp</a>
District of Columbia	<a href="http://lsdbe.dslbd.dc.gov/public/certification/search.aspx?olbdNav= 31105 ">http://lsdbe.dslbd.dc.gov/public/certification/search.aspx?olbdNav= 31105 </a>
Florida	<a href="http://www.sunbiz.org/corinam.html">http://www.sunbiz.org/corinam.html</a>
Georgia	<a href="http://corp.sos.state.ga.us/corp/soskb/csearch.asp">http://corp.sos.state.ga.us/corp/soskb/csearch.asp</a>
Hawaii	<a href="http://hbe.ehawaii.gov/documents/search.html">http://hbe.ehawaii.gov/documents/search.html</a>
Idaho	<a href="http://www.accessidaho.org/public/sos/corp/search.html?ScriptForm.startstep=crit">http://www.accessidaho.org/public/sos/corp/search.html?ScriptForm.startstep=crit</a>
Illinois	<a href="http://www.ilsos.gov/corporatellc/">http://www.ilsos.gov/corporatellc/</a>
Indiana	<a href="https://secure.in.gov/sos/online_corps/name_search.aspx">https://secure.in.gov/sos/online_corps/name_search.aspx</a>
Iowa	<a href="http://sos.iowa.gov/search/business/%28S%28xbjg3a55ft13jz2rbr2loo45%29%29/search.aspx">http://sos.iowa.gov/search/business/%28S%28xbjg3a55ft13jz2rbr2loo45%29%29/search.aspx</a>
Kansas	<a href="https://www.kansas.gov/bess/flow/main;jsessionid=3E9AF4256C68BADB49E4110F5C0C9FE9.aptcs03-inst2?execution=e1s2">https://www.kansas.gov/bess/flow/main;jsessionid=3E9AF4256C68BADB49E4110F5C0C9FE9.aptcs03-inst2?execution=e1s2</a>
Kentucky	<a href="https://app.sos.ky.gov/ftsearch/">https://app.sos.ky.gov/ftsearch/</a>
Louisiana	<a href="http://www.sos.la.gov/tabid/819/Default.aspx">http://www.sos.la.gov/tabid/819/Default.aspx</a>
Maine	<a href="https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x">https://icrs.informe.org/nei-sos-icrs/ICRS?MainPage=x</a>
Maryland	<a href="http://sdatcert3.resiusa.org/UCC-Charter/CharterSearch_f.aspx">http://sdatcert3.resiusa.org/UCC-Charter/CharterSearch_f.aspx</a>
Massachusetts	<a href="http://corp.sec.state.ma.us/corp/corpsearch/corpsearchinput.asp">http://corp.sec.state.ma.us/corp/corpsearch/corpsearchinput.asp</a>
Michigan	<a href="http://www.dleg.state.mi.us/bcs_corp/sr_corp.asp">http://www.dleg.state.mi.us/bcs_corp/sr_corp.asp</a>
Minnesota	<a href="http://mblsportal.sos.state.mn.us/">http://mblsportal.sos.state.mn.us/</a>
Mississippi	<a href="https://business.sos.state.ms.us/corp/soskb/csearch.asp">https://business.sos.state.ms.us/corp/soskb/csearch.asp</a>
Missouri	<a href="https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp">https://www.sos.mo.gov/BusinessEntity/soskb/csearch.asp</a>
Montana	<a href="https://app.mt.gov/bes/">https://app.mt.gov/bes/</a>
Nebraska	<a href="https://www.nebraska.gov/sos/corp/corpsearch.cgi">https://www.nebraska.gov/sos/corp/corpsearch.cgi</a>
Nevada	<a href="http://nvsos.gov/sosentitysearch/">http://nvsos.gov/sosentitysearch/</a>
New Hampshire	<a href="https://www.sos.nh.gov/corporate/soskb/csearch.asp">https://www.sos.nh.gov/corporate/soskb/csearch.asp</a>
New Jersey	<a href="https://www.njportal.com/DOR/businessrecords/EntityDocs/BusinessStatCopies.aspx">https://www.njportal.com/DOR/businessrecords/EntityDocs/BusinessStatCopies.aspx</a>

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New Mexico	<a href="http://web.prc.newmexico.gov/Corplookup/%28S%28czslwico4qcojzbzgjbod3u4n%29%29/CorpSearch.aspx">http://web.prc.newmexico.gov/Corplookup/%28S%28czslwico4qcojzbzgjbod3u4n%29%29/CorpSearch.aspx</a>
New York	<a href="http://www.dos.ny.gov/corps/bus_entity_search.html">http://www.dos.ny.gov/corps/bus_entity_search.html</a>
North Carolina	<a href="http://www.secretary.state.nc.us/corporations/CSearch.aspx">http://www.secretary.state.nc.us/corporations/CSearch.aspx</a>
North Dakota	<a href="https://secure.apps.state.nd.us/sc/busnsrch/busnSearch.htm">https://secure.apps.state.nd.us/sc/busnsrch/busnSearch.htm</a>
Ohio	<a href="http://www2.sos.state.oh.us/pls/bsqry/f?p=100:1:673032241987595::NO:1:P1_TYPE:NAME">http://www2.sos.state.oh.us/pls/bsqry/f?p=100:1:673032241987595::NO:1:P1_TYPE:NAME</a>
Oklahoma	<a href="https://www.sos.ok.gov/business/corp/records.aspx">https://www.sos.ok.gov/business/corp/records.aspx</a>
Oregon	<a href="http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login">http://egov.sos.state.or.us/br/pkg_web_name_srch_inq.login</a>
Pennsylvania	<a href="https://www.corporations.state.pa.us/corp/soskb/csearch.asp">https://www.corporations.state.pa.us/corp/soskb/csearch.asp</a>
Puerto Rico	<a href="https://prcorpfilng.f1hst.com/CorporationSearch.aspx">https://prcorpfilng.f1hst.com/CorporationSearch.aspx</a>
South Carolina	<a href="http://www.scsos.com/Search%20Business%20Filings">http://www.scsos.com/Search%20Business%20Filings</a>
South Dakota	<a href="http://sdsos.gov/business/search.aspx">http://sdsos.gov/business/search.aspx</a>
Tennessee	<a href="http://tnbear.tn.gov/ECommerce/FilingSearch.aspx">http://tnbear.tn.gov/ECommerce/FilingSearch.aspx</a>
Texas	<a href="https://direct.sos.state.tx.us/acct/acct-login.asp">https://direct.sos.state.tx.us/acct/acct-login.asp</a>
Utah	<a href="https://secure.utah.gov/bes/action/index">https://secure.utah.gov/bes/action/index</a>
Vermont	<a href="http://corps.sec.state.vt.us/corpbrow.aspx">http://corps.sec.state.vt.us/corpbrow.aspx</a>
Virginia	<a href="https://cisiweb.scc.virginia.gov/z_container.aspx">https://cisiweb.scc.virginia.gov/z_container.aspx</a>
Washington	<a href="http://www.sos.wa.gov/corps/search_advanced.aspx">http://www.sos.wa.gov/corps/search_advanced.aspx</a>
Wisconsin	<a href="https://www.wdfi.org/apps/CorpSearch/Advanced.aspx">https://www.wdfi.org/apps/CorpSearch/Advanced.aspx</a>
West Virginia	<a href="http://apps.sos.wv.gov/business/corporations/">http://apps.sos.wv.gov/business/corporations/</a>
Wyoming	<a href="https://wyobiz.wy.gov/Business/FilingSearch.aspx">https://wyobiz.wy.gov/Business/FilingSearch.aspx</a>

## Canada:

<http://www.ic.gc.ca/app/ccc/srch/cccSrch.do?lang=eng&prtl=1&tagid=&profileId=>

## Australia:

<http://abr.business.gov.au/AdvancedSearch.aspx>

## Philippines:

<http://www.business.gov.ph/web/guest/registry-search>

As a participant in the ICANN process, we are encouraged by the active participation of the GAC in the process. The GAC and governments are an important component of the ICANN process and the multi-stakeholder governance of the Internet's root DNS. Many of the issues raised by the GAC advice are issues that are actively discussed by the ICANN community. Some of which are already included in the considerations for this round of new gTLDs (e.g. #28 Abuse Prevention and Mitigation), some others are currently being discussed within the ICANN process. For example, policy development processes for WHOIS are ongoing and registration and usage abuse issues continue to be examined, including especially where such abuse issues should be within or beyond the scope of ICANN's purview.

For such items, we understand that ongoing multi-stakeholder processes should not be circumvented, and remain diligent against such undermining. Nevertheless, we are fully prepared to improve on our proposed mechanisms in our application as well as to implement appropriate measures for .INC specifically as Registry policies before community wide ICANN policies are fully in place.

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Most importantly, as we applaud the GAC on raising the issues and echo the recommendations to the ICANN Board, we especially suggest that the ICANN Board take care in considering changes made by applicants at this stage in this round of new gTLDs. We believe that the ICANN board should place some weight on considering the approval (and/or dismissal for that matter) of applications where substantive changes to proposed policies for governing and/or operating the gTLD are made as reactionary measures rather than as originally proposed.

The integrity of ICANN and the new gTLD process is at stake. Where appropriate and especially where having a choice, ICANN should approve applications that demonstrate their integrity in standing by their proposal as originally submitted and willingness to participate and respect the ICANN multi-stakeholder bottom-up process, including advice from the ACs. For example, GTLD Ltd's proposal for the .INC registry already incorporated many different policies to comprehensively address the GAC advice while other applications for .INC did not.

Finally, we also bring your attention to the ongoing work underway since the recent CEO Roundtables and further discussed at the DNS Summit (<http://blog.icann.org/2013/04/dns-summit-in-new-york/>). Especially the "proposals to codify ethical standards for DNS businesses", which may be an appropriate framework for addressing issues (e.g. content related) that may be beyond the scope of ICANN's policy mandate.

Attached further are specific responses to each of the issues raised in the GAC advice with excerpts from particular sections of the submitted GTLD Ltd. proposal (<https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails:downloadapplication/107?t:ac=107>) and how it complies with and relates to the GAC advice.

We look forward to continuing the dialogue with the ICANN board and the GAC to address issues and put policies in place to mitigate against concerns in a constructive and prompt manner.

Sincerely,

GTLD Limited

## GTLD Ltd. Response to GAC Communiqué – Beijing April 11, 2013

### b. Safeguard Advice for New gTLDs

To reinforce existing processes for raising and addressing concerns the GAC is providing safeguard advice to apply to broad categories of strings (see Annex I).

Please see response for Annex I further below.

### g. Protections for Intergovernmental Organisations

The GAC stresses that the IGOs perform an important global public mission with public funds, they are the creations of government under international law, and their names and acronyms warrant special protection in an expanded DNS. Such protection, which the GAC has previously advised, should be a priority. This recognizes that IGOs are in an objectively different category to other rights holders, warranting special protection by ICANN in the DNS, while also preserving sufficient flexibility for workable implementation. The GAC is mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward. Pending the resolution of these implementation issues, the GAC reiterates its advice to the ICANN Board that:

- i. appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch.

We are supportive of this advice as a preventative initial protection for the IGO names and acronyms.

In our original submission for #22, we have already included the following in our proposal:

*More specifically, the Registry commits to:*

*a) Adopt, before the new gTLD is introduced, appropriate procedures for blocking, at no cost and upon demand of governments, public authorities or IGOs, names with national or geographic significance at the second level of the TLD.*

*b) Ensure procedures to allow governments, public authorities or IGOs to challenge abuses of names with national or geographic significance at the second level of the TLD*

*Building on the experience from .INFO and .ASIA in their handling of country and government related names, the Registry will develop and establish policies for:*

*1) obtaining and maintaining a list of names with national or geographic significance to be reserved (at no cost to governments) upon the demand of governments, public authorities or IGOs;*

*2) process for registrants to apply for and for the Registry to obtain consent from the respective government, public authorities or IGOs in the releasing of such reserved geographic names; and*

*The procedures may be similar to the management of governmental reserved names for .ASIA (Section 3.4 of <http://dot.asia/policies/DotAsia-Reserved-Names--COMPLETE-2007-08-10.pdf>). In summary:*

*I) The Registry will adhere to the New gTLD Registry Agreement Specification 5 requirements regarding 2. Two-Character Labels as well as 5. Country and Territory Names;*

*II) Before the launch of the TLD, the Registry will also proactively reach out to governments around the world, especially through GAC members (and ccTLD managers where appropriate), to solicit from them their demand for reserving any names with national or geographic significance at the second level of the TLD;*

*III) The Registry will develop mechanisms and maintain a list of governmental reference contacts, especially through correspondence with GAC members and ccTLD managers where appropriate. The corresponding reference contact(s) will be contacted in case a registration request is received for a governmental reserved name. If the consent from the governmental contact is received, the registration request will be approved. The domain will nevertheless remain in the reserved names list so that in case the registration lapses, the domain will not be released into the available pool, but will require the same approval process to be registered.*

*IV) The Registry will maintain an ongoing process for adding and updating governmental reserved names as they are demanded by governments, public authorities or IGOs.*

*In accordance with Specification 5 of the New gTLD Registry Agreement, the registry operator must initially reserve all geographic names at the second level, and at all other levels within the TLD at which the registry operator provides for registrations.*

*...*

*Furthermore, the Registry will actively participate in the development of appropriate process and policies for governments, public authorities or IGOs to challenge abuses of names with national or geographic significance. As an important stakeholder in the Registry, DotAsia Organisation (through Namesphere) will be supporting the efforts as well. DotAsia has been a pioneer of protective measures for new gTLDs, especially in its handling of governmental reserved names and its engagement with different stakeholders to develop rapid suspension policies, which provided part of the genesis of what is now standardized for new gTLDs as the URS (Uniform Rapid Suspension) process. Similar administrative processes may be explored and developed for*

*supporting challenge processes for abuses of names with national or geographic significance.*

The above mechanism can be used for the protection of IGO names.

## 2. Registrar Accreditation Agreement (RAA)

Consistent with previous communications to the ICANN Board

a. the GAC advises the ICANN Board that:

i. the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.

The GAC also strongly supports the amendment to the new gTLD registry agreement that would require new gTLD registry operators to use only those registrars that have signed the 2013 RAA. The GAC appreciates the improvements to the RAA that incorporate the 2009 GAC---Law Enforcement Recommendations. The GAC is also pleased with the progress on providing verification and improving accuracy of registrant data and supports continuing efforts to identify preventative mechanisms that help deter criminal or other illegal activity. Furthermore the GAC urges all stakeholders to accelerate the implementation of accreditation programs for privacy and proxy services for WHOIS.

We are supportive of the direction of this advice to promote registrant rights and the provisioning of accurate WHOIS data. We further prompt the ICANN Board to realize that within the current ICANN gTLD Registry-Registrar framework, WHOIS (i.e. contact) data is obtained by and remains within the purview of Registrars and not the Registry. In order for the Registry to effectively take action, Registrar compliance will be crucial.

Further discussions included in response to Annex I, point 1. below.

## 3. WHOIS

The GAC urges the ICANN Board to:

a. ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group. The GAC stands ready to respond to any questions with regard to the GAC Principles. The GAC also expects its views to be incorporated into whatever subsequent policy development process might be initiated once the Expert Working Group concludes its efforts.

We are supportive of this advice and agrees that matters pertaining WHOIS should best be considered and discussed through the ongoing policy development process on the matter.

## 4. International Olympic Committee and Red Cross /Red Crescent

Consistent with its previous communications, the GAC advises the ICANN Board to:

a. amend the provisions in the new gTLD Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.

We are prepared to implement such protections. Based on our original submission, and as explained above in “g. Protections for Intergovernmental Organisations”, this can be addressed within the proposed mechanism.

## 5. Public Interest Commitments Specifications

The GAC requests:

b. more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.

We are prepared to adhere and abide by our public interest commitments including policy proposals submitted within our original proposal as a Community TLD.

## Annex I

### Safeguards on New gTLDs

The GAC considers that Safeguards should apply to broad categories of strings. For clarity, this means any application for a relevant string in the current or future rounds, in all languages applied for.

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.

We are committed to governing and operating the Registry 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.



In further response to this, especially on the issues of openness, non-discrimination and to be respectful of human rights and fundamental freedoms, we have further included provisions in our proposal for additional Rights Protection Mechanisms to provide a strong balance for users' rights beyond just providing protection to Intellectual Property rights:

*"Furthermore, on top of the Sunrise program, a Pioneer Domains Program will be put in place to provide even further protection for prior rights holders while maintaining a strong balance against users' rights."*

To further address the designation of "INC" as "incorporated", further measures are put in place to ensure that the balance of rights be considered (#18c):

*The .inc Registry proposes to put in place a comprehensive set of measures to curb abusive registrations specifically against this usage of the string "inc":*

## *a. Special Sunrise Considerations*

*Upon consultation with ICANN and GAC, especially the GAC members (and related authorities) from the 4 countries identified above, the Registry proposes to put in place additional Sunrise considerations specifically for registered entities that utilize the legal designation of "INC." More specifically, duly registered legal entities in identified jurisdictions where the legal designation of "INC." is recognized will be eligible to participate in the Sunrise process for priority registration of .inc domain names that correspond to the name of their registered entity.*

*Throughout the development of these policies, the Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such verification and registration processes can be procured through a similar process. If not, a special Sunrise process will be implemented at the Registry, or a modified approach will be implemented in partnership with the TMCH.*

## *b. Reserved Names List*

*In addition to ICANN and geographical reserved names lists, upon the approval from ICANN for the .inc TLD, the Registry will proactively reach out to the respective company registries to study whether additional reserved names would be appropriate for the .inc TLD.*

*This will serve to ensure that the introduction of the .inc TLD will not inadvertently negatively impact the coincidental communities where the string "INC." may be used as a legal entity designator. Where appropriate, additional reserved names will be included, for which activation will require special conditions to be met.*

*More specifically, the Registry will verify whether the registrant for the name corresponds with one of the company registries that do accept registration of "INC." designated legal entities. If the information agrees, the registration is accepted.*

*The Registry proposes to place this additional reservation throughout Landrush and for 18 months after Go Live. At which time, we believe the reservation should be gradually released but an ongoing claims and notification mechanism should continue.*

### *c. Claims & Notification Mechanism*

*Upon Go Live, a claims and notification mechanism, similar to the standard trademarks claims service as described in the Applicant Guidebook, will also be considered and discussed with the corresponding authorities for each of the jurisdictions and implemented.*

*The possibility of a two way notification process may also be explored (i.e. both for when a ".inc" domain is registered which may conflict with a registered "INC." as well as vice versa for a newly registered "INC." that may conflict with a registered .inc domain).*

*The Registry will also work closely with the selected Trademark Clearing House (TMCH) to see if such processes can be procured through a similar process as the standard trademark claims service.*

### *d. Special challenge process*

*Upon the approval from ICANN for the .inc TLD, and before the acceptance of .inc domain registrations, the Registry will work with a competent alternative dispute resolution center (such as the ADNDRC, WIPO, ICC, etc.) to put in place a special challenge process for duly registered "INC." designated legal entities from corresponding jurisdictions.*

*Following a similar process and rationale from some company registries (e.g in Hong Kong: <http://www.cr.gov.hk/en/faq/faq02.htm#11>), where the Registrar of Companies may direct a company to change its name within 12 months from the date of its registration ("the statutory period") if the name is "too like" a name previously registered, based on objections lodged from existing registered companies filed giving full reasons and providing any available evidence of alleged confusion; the .inc Registry will implement a special challenge process allowing duly registered "INC." designated legal entities from corresponding jurisdictions to lodge challenges to registered ".inc" domains within the first 12 months of its registration.*

*This allows registered "incorporations" to lodge challenges against abusive registrations that may create confusion with their company name. After the first 12 months, rights holders can continue to utilize the standard UDRP and URS processes to protect their rights.*

These considerations demonstrate GTLD Ltd. thorough policy consideration on the matter.

## **Safeguards Applicable to all New gTLDs**

The GAC Advises that the following six safeguards should apply to all new gTLDs and be subject to contractual oversight.

We are prepared to be subjected to contractual oversight for safeguards applicable to all new gTLDs.

**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 weight 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.

We are supportive of the direction for this advice and believe that we are already compliant. The scope and specific standard implementation of such policies may best be developed as a product of the ongoing WHOIS policy development process.

Nevertheless, individual Registry policies can provide the interim solution for this safeguard, and some of the mechanisms have already been provided in our original response to #28 Abuse Prevention and Mitigation, including proactive analysis and audits:

### *4.2 Pre-emptive – Mitigating of the Potential for Abuse*

*The following practices and procedures will be adopted to mitigate the potential for abusive behaviour in our TLD.*

...

### *4.2.4 Safeguards Against Allowing for Unqualified Registrations*

*The eligibility restrictions for this TLD are outlined in our response to Question 18.*

*Eligibility restrictions will be implemented contractually through our RRA, which will require Registrars to include the following in their Registration Agreements:*

*– Registrant warrants that it satisfies eligibility requirements.*

*Where applicable, eligibility restrictions will be enforced through the adoption of the Charter Eligibility Dispute Resolution Policy or a similar policy, and Registrars will be obliged to require in their registration agreements that registrants agree to be bound by such policy and acknowledge that a registration may be cancelled in the event that a challenge against it under such policy is successful.*

*Providing an administrative process for enforcing eligibility criteria and taking action when notified of eligibility violations mitigates the potential for abuse. This is achieved through the risk of cancellation in the event that it is determined in a challenge procedure that eligibility criteria are not satisfied.*

#### *4.2.6 Restrictions on Proxy Registration Services*

*Whilst it is understood that implementing measures to promote WhoIs accuracy is necessary to ensure that the registrant may be tracked down, it is recognised that some registrants may wish to utilise a proxy registration service to protect their privacy. In the event that Registrars elect to offer such services, the following conditions apply:*

- Proxy registration services may only be offered by Registrars and NOT resellers.*
- Registrars must ensure that the actual WhoIs data is obtained from the registrant and must maintain accurate records of such data.*
- Registrars must provide Law Enforcement Agencies (LEA) with the actual WhoIs data upon receipt of a verified request.*
- Proxy registration services may only be made available to private individuals using the domain name for non-commercial purposes.*

*These conditions will be implemented contractually by inclusion of corresponding clauses in the RRA as well as being published on the Abuse page of our registry website. Individuals and organisations will be encouraged through our Abuse page to report any domain names they believe violate the above restrictions, following which appropriate action may be taken by us. Publication of these conditions on the Abuse page of our registry website ensures that registrants are aware that despite utilisation of a proxy registration service, actual WhoIs information will be provided to LEA upon request in order to hold registrants liable for all actions in relation to their domain name. The certainty that WhoIs information relating to domain names which draw the attention of LEA will be disclosed results in the TLD being less attractive to those seeking to register domain names for abusive purposes, thus mitigating the potential for abuse in the TLD.*

*...*

#### *4.2.9 Promoting WhoIs Accuracy*

*Inaccurate WhoIs information significantly hampers the ability to enforce policies in relation to abuse in the TLD by allowing the registrant to remain anonymous. In addition, LEAs rely on the integrity and accuracy of WhoIs information in their investigative processes to identify and locate wrongdoers. In recognition of this, we will implement a range of measures to promote the accuracy of WhoIs information in our TLD including:*

- Random monthly audits: registrants of randomly selected domain names are contacted by telephone using the provided WhoIs information by a member of the Abuse and Compliance Team in order to verify all 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 the member of the Policy Compliance team. In the event that*

*the registrant is not able to be contacted by any of the methods provided in 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).*

*– Semi-annual audits: to identify incomplete WhoIs information. Registrants will be contacted using provided WhoIs information and requested to provide missing information. In the event that the registrant fails to provide missing information as requested, the domain name will be cancelled following five contact attempts or one month after the initial contact attempt.*

*– Email reminders: to update WhoIs information to be sent to registrants every 6 months.*

*– Reporting system: a web-based submission service for reporting WhoIs accuracy issues available on the Abuse page of our registry website.*

*– Analysis of registry data: to identify patterns and correlations indicative of inaccurate WhoIs (eg repetitive use of fraudulent details).*

*Registrants will continually be made aware, through the registry website and email reminders, of their responsibility to provide and maintain accurate WhoIs information and the ramifications of a failure to do so or respond to requests to do so, including termination of the Registration Agreement.*

*The measures to promote WhoIs accuracy described above strike a balance between the need to maintain the integrity of the WhoIs service, which facilitates the identification of those taking part in illegal or fraudulent behaviour, and the operating practices of the registry operator and Registrars, which aim to offer domain names to registrants in an efficient and timely manner.*

*Awareness by registrants that we will actively take steps to maintain the accuracy of WhoIs information mitigates the potential for abuse in the TLD by discouraging abusive behaviour given that registrants may be identified, located and held liable for all actions in relation to their domain name.*

The above are the baseline abuse prevention and mitigation measures of the registry. The registry is prepared to work with ICANN and the GAC to further enhance the measures where appropriate.

**2. Mitigating abusive activity** — Registry operators 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.

We are prepared to and have already proposed to include in our Registry-Registrar Agreement (RRA) provisions to ensure that terms of use for registrants include prohibitions against abusive activities.

The following is an extract from our response to #28 Abuse Prevention and Mitigation:

*Our RRA will oblige all Registrars to do the following in relation to the Anti-Abuse Policy:*

- comply with the Anti-Abuse Policy; and*
- include in their registration agreement with each registrant an obligation for registrants to comply with the Anti-Abuse Policy and each of the following requirements:*

*‘operational standards, policies, procedures, and practices for the TLD established from time to time by the registry operator in a non-arbitrary manner and applicable to all Registrars, including affiliates of the registry operator, and consistent with ICANN’s standards, policies, procedures, and practices and the registry operator’s Registry Agreement with ICANN. Additional or revised registry operator operational standards, policies, procedures, and practices for the TLD shall be effective upon thirty days notice by the registry operator to the Registrar. If there is a discrepancy between the terms required by this Agreement and the terms of the Registrar’s registration agreement, the terms of this Agreement shall supersede those of the Registrar’s registration agreement.’*

*Our RRA will additionally incorporate the following BITS Requirements:*

- Requirement 7: Registrars must certify annually to ICANN and us compliance with ICANN’s Registrar Accreditation Agreement (RAA) our Registry-Registrar Agreement (RRA).*
  - Requirement 9: Registrars must provide and maintain valid primary contact information (name, email address, and phone number) on their website.*
  - Requirement 14: Registrars must notify us immediately regarding any investigation or compliance action, including the nature of the investigation or compliance action by ICANN or any outside party (eg law enforcement, etc.) along with the TLD impacted.*
  - Requirement 19: Registrars must disclose registration requirements on their website.*
- We will re-validate our RRAs at least annually, consistent with Requirement 10.*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

**3. Security checks** — While respecting privacy and confidentiality, Registry operators 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 Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

We are supportive of proactive measures to ensure the security and stability of the Internet. As indicated in the GAC advice, the respecting of privacy and confidentiality is paramount. Furthermore, while the inclusion of appropriate terms

of use for registrants as described in “2. Mitigating abusive activity” above provides an effective enforcement mechanism, the subject matter of certain threats may traverse beyond the purview of ICANN policy coordination. For example matters concerning content. Such determination may best be addressed in proper ICANN policy development processes if implemented as a contractual and enforcement matter by ICANN.

Nevertheless, the Registry is fully prepared to implement policies within the registry and have already proposed such mechanisms in our original application under #28 Abuse Prevention and Mitigation:

#### *4.3.1 Detection – Analysis of Data*

*The Registry will routinely analyse registry data in order to identify abusive domain names by searching for behaviours typically indicative of abuse. The following are examples of the data variables that will serve as indicators of a suspicious domain name and may trigger further action by the Abuse and Compliance Team:*

- Unusual Domain Name Registration Practices: practices such as registering hundreds of domains at a time, registering domains which are unusually long or complex or include an obvious series of numbers tied to a random word (abuse40, abuse50, abuse60) may, when considered as a whole, be indicative of abuse.*
- Domains or IP addresses identified as members of a Fast Flux Service Network (FFSN): The Registry uses the formula developed by the University of Mannheim and tested by participants of the Fast Flux PDP WG to determine members of this list. IP addresses appearing within identified FFSN domains, as either NS or A records shall be added to this list.*
- An Unusual Number of Changes to the NS record: the use of fast-flux techniques to disguise the location of web sites or other Internet services, to avoid detection and mitigation efforts, or to host illegal activities is considered abusive in the TLD. Fast flux techniques use DNS to frequently change the location on the Internet to which the domain name of an Internet host or nameserver resolves. As such an unusual number of changes to the NS record may be indicative of the use of fast-flux techniques given that there is little, if any, legitimate need to change the NS record for a domain name more than a few times a month.*
- Results of WhoIs audits: The audits conducted to promote WhoIs accuracy described above are not limited to serving that purpose but may also be used to identify abusive behaviour given the strong correlation between inaccurate WhoIs data and abuse.*
- Analysis of cross-validation of registrant WhoIs data against WhoIs data known to be fraudulent.*
- Analysis of Domain Names belonging to a registrant subject to action under the Anti-Abuse Policy: in cases where action is taken against a registrant through the application of the Anti-Abuse Policy, we will also investigate other domain names by the same registrant (same name, nameserver IP address, email address, postal address etc).*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

**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.

We are supportive of the conceptual directive and are prepared to maintain such documentation. We however caution about misinterpretation and/or misuse of such statistical data.

As proposed in our application (under #28 Abuse Prevention and Mitigation), instead of (or in addition to) providing such documents we would recommend programs to increase registrant security awareness:

#### *4.2.2 Increasing Registrant Security Awareness*

*In accordance with our commitment to operating a secure and reliable TLD, we will attempt to improve registrant awareness of the threats of domain name hijacking, registrant impersonation and fraud, and emphasise the need for and responsibility of registrants to keep registration (including WhoIs) information accurate. Awareness will be raised by:*

- Publishing the necessary information on the Abuse page of our registry website in the form of videos, presentations and FAQ's.*
- Developing and providing to registrants and resellers Best Common Practices that describe appropriate use and assignment of domain auth Info codes and risks of misuse when the uniqueness property of this domain name password is not preserved. The increase in awareness renders registrants less susceptible to attacks on their domain names owing to the adoption of the recommended best practices thus serving to mitigate the potential for abuse in the TLD. The clear responsibility on registrants to provide and maintain accurate registration information (including WhoIs) further serves to minimise the potential for abusive registrations in the TLD.*

Appropriate statistics and documents could be developed and presented, which we believe will allow us to be compliant with the GAC advice. We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

**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.



We are supportive of this advice and believe that our original proposal is already compliant with the GAC advice. Description of the mechanisms for handling complaints have been included in our response to #28 Abuse Prevention and Mitigation:

#### *4.3.2 Abuse Reported by Third Parties*

*Whilst we are confident in our abilities to detect abusive behaviour in the TLD owing to our robust ongoing monitoring activities, we recognise the value of notification from third parties to identify abuse. To this end, we will incorporate notifications from the following third parties in our efforts to identify abusive behaviour:*

- Industry partners through participation in industry forums which facilitate the sharing of information.*
- LEA through a single abuse point of contact (our Abuse page on the registry website, as discussed in detail below) and an expedited process (described in detail in ‘4.4 Abuse Handling’) specifically for LEA.*
- Members of the general public through a single abuse point of contact (our Abuse page on the registry website).*

...

#### *4.3.2.2 Notification by General Public of Abuse*

*Abusive behaviour in the TLD may also be identified by members of the general public including but not limited to other registries, Registrars or security researchers. The steps in this notification process are summarised as follows:*

- 1. We will publish contact details on the Abuse page of the registry website for the SAPOC (note that these contact details are not the same as those provided for the expedited process).*
- 2. All calls to this number will be responded to by the Service Desk on a 24/7 basis. All calls will result in the generation of a CMS ticket.*
- 3. The details of the report identifying abuse will be documented in the CMS ticket using a standard information gathering template.*
- 4. Tickets will be forwarded to the Abuse and Compliance Team, to be dealt with in accordance with ‘4.4 Abuse Handling’.*

...

#### *4.3.2.2 Single Abuse Point of Contact on Website*

*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, government and quasi-governmental agencies and recognised members of the anti-abuse community.*

*The SAPOC's accurate contact details (email and mailing address as well as a primary contact for handling inquiries related to abuse in the TLD) will be provided to ICANN and published on the Abuse page of our registry website, which will also include:*

- All public facing policies in relation to the TLD, including the Anti-Abuse Policy.*
- A web-based submission service for reporting inaccuracies in WhoIs information.*
- Registrant Best Practices.*
- Conditions that apply to proxy registration services and direction to the SAPOC to report domain names that violate the conditions.*

*As such, the SAPOC may receive complaints regarding a range of matters including but not limited to:*

- Violations of the Anti-Abuse Policy.*
- Inaccurate WhoIs information.*
- Violation of the restriction of proxy registration services to individuals.*

*The SAPOC will be the primary method by which we will receive notification of abusive behaviour from third parties. It must be emphasised that the SAPOC will be the initial point of contact following which other processes will be triggered depending on the identity of the reporting organisation. Accordingly, separate processes for identifying abuse exist for reports by LEA/government and quasi-governmental agencies and members of the general public. These processes will be described in turn below.*

...

#### *4.4 Abuse Handling*

*Upon being made aware of abuse in the TLD, whether by ongoing monitoring activities or notification from third parties, the Abuse and Compliance Team will perform the following functions:*

...

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

<p><b>6. Consequences</b> – 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 should not be used in breach of applicable law; these consequences should include suspension of the domain name.</p>
---

We are supportive of including mechanisms to suspend a domain name against abusive activities and believe we are already compliant with the GAC advice. In our proposal (under #28 Abuse Prevention and Mitigation and #29 Rights Protection Mechanisms), we have already included mechanisms to disqualify, suspend, cancel or delete domain registrations where appropriate:

#### *#28 Abuse Prevention and Mitigation*

## *4.2.5 Registrant Disqualification*

*As specified in our Anti-Abuse Policy, we reserve the right to deny registration of a domain name to a registrant who has repeatedly engaged in abusive behaviour in our TLD or any other TLD.*

*Registrants, their agents or affiliates found through the application of our Anti-Abuse Policy to have repeatedly engaged in abusive registration will be disqualified from maintaining any registrations or making future registrations. This will be triggered when our records indicate that a registrant has had action taken against it an unusual number of times through the application of our Anti-Abuse Policy. Registrant disqualification provides an additional disincentive for qualified registrants to maintain abusive registrations in that it puts at risk even otherwise non-abusive registrations, through the possible loss of all registrations.*

*In addition, nameservers that are found to be associated only with fraudulent registrations will be added to a local blacklist and any existing or new registration that uses such fraudulent NS record will be investigated.*

*The disqualification of 'bad actors' and the creation of blacklists mitigates the potential for abuse by preventing individuals known to partake in such behaviour from registering domain names.*

...

## *4.4.1 Preliminary Assessment and Categorisation*

*Each report of purported abuse will undergo an initial preliminary assessment by the Abuse and Compliance Team to determine the legitimacy of the report. This step may involve simply visiting the offending website and is intended to weed out spurious reports, and will not involve the in-depth investigation needed to make a determination as to whether the reported behaviour is abusive.*

*Where the report is assessed as being legitimate, the type of activity reported will be classified as one of the types of abusive behaviour as found in the Anti-Abuse Policy by the application of the definitions provided. In order to make this classification, the Abuse and Compliance Team must establish a clear link between the activity reported and the alleged type of abusive behaviour such that addressing the reported activity will address the abusive behaviour.*

*While we recognise that each incident of abuse represents a unique security threat and should be mitigated accordingly, we also recognise that prompt action justified by objective criteria are key to ensuring that mitigation efforts are effective. With this in mind, we have categorised the actions that we may take in response to various types of abuse by reference to the severity and immediacy of harm. This categorisation will be applied to each validated report of abuse and actions will be taken in accordance with the table below. It must be emphasised that the actions to mitigate the identified type of abuse in the table are merely intended to provide a rough guideline and may vary upon further investigation.*

### *Category 1*

*Probable Severity or Immediacy of Harm: Low*

*Examples of types of abusive behaviour: Spam, Malware*

*Mitigation steps:*

- 1. Investigate*
- 2. Notify registrant*

*Category 2*

*Probable Severity or Immediacy of Harm: Medium to High*

*Examples of types of abusive behaviour: Fast Flux Hosting, Phishing, Illegal Access to other Computers or Networks, Pharming, Botnet command and control*

*Mitigation steps:*

- 1. Suspend domain name*
- 2. Investigate*
- 3. Restore or terminate domain name*

*The mitigation steps for each category will now be described:*

#### *4.4.2 Investigation – Category 1*

*Types of abusive behaviour that fall into this category include those that represent a low severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in the dissemination of unsolicited information or the publication of illegitimate information. While undesirable, these activities do not generally present such an immediate threat as to justify suspension of the domain name in question. We will contact the registrant to instruct that the breach of the Anti-Abuse Policy be rectified. If the Abuse and Compliance Team's investigation reveals that the severity or immediacy of harm is greater than originally anticipated, the abusive behaviour will be escalated to Category 2 and mitigated in accordance with the applicable steps. These are described below. The assessment made and actions taken will be recorded against the relevant CMS ticket.*

#### *4.4.3 Suspension – Category 2*

*Types of abusive behaviour that fall into this category include those that represent a medium to high severity or immediacy of harm to registrants and Internet users. These generally include behaviours that result in intrusion into other computers' networks and systems or financial gain by fraudulent means. Following notification of the existence of such behaviours, the Abuse and Compliance Team will suspend the domain name pending further investigation to determine whether the domain name should be restored or cancelled. Cancellation will result if, upon further investigation, the behaviour is determined to be one of the types of abuse defined in the Anti-Abuse Policy. Restoration of the domain name will result where further investigation determines that abusive behaviour, as defined by the Anti-Abuse Policy, does not exist. Due to the higher severity or immediacy of harm attributed to types of abusive behaviour in this category, the Registry will, in accordance with their contractual commitment to us in the form of SLA's, carry out the mitigation response within 24 hours by either restoring or cancelling the domain name. The assessment made and actions taken will be recorded against the relevant CMS ticket.*

*Phishing is considered to be a serious violation of the Anti-Abuse Policy owing to its fraudulent exploitation of consumer vulnerabilities for the purposes of financial gain. Given the direct relationship between phishing uptime and extent of harm caused, we*

*recognise the urgency required to execute processes that handle phish domain termination in a timely and cost effective manner. Accordingly, the Abuse and Compliance Team will prioritise all reports of phishing from brand owners, anti-phishing providers or otherwise and carry out the appropriate mitigation response within 12 hours in accordance with the SLA's in place. In addition, since a majority of phish domains are subdomains, we believe it is necessary to ensure that subdomains do not represent an unregulated domain space to which phishers are known to gravitate. Regulation of the subdomain space is achieved by holding the registrant of the parent domain liable for any actions that may occur in relation to subdomains. In reality, this means that where a subdomain determined to be used for phishing is identified, the parent domain may be suspended and possibly cancelled, thus effectively neutralising every subdomain hosted on the parent. In our RRA we will require that Registrars ensure that their Registration Agreements reflect our ability to address phish subdomains in this manner.*

...

## *#29 Rights Protection Mechanisms*

### *29.2.3 Other Suspension Programs*

*In addition to the basic dispute and suspension programs, the Abuse Prevention Mechanisms as described in #28 as well as the geographical names reservation processes described in #22, the Registry, following the footsteps of the .ASIA Registry as well, will explore appropriate suspension mechanisms and challenge processes to further improve the protection to prior rights holders.*

*For example, .ASIA has completed an MoU with the International Federation Against Copyrights Theft Greater China (IFACT-GC), and has explored extensively and works closely with the Anti-Phishing Working Group on possible alternative rapid suspension processes against gross copyright infringement and phishing sites. These discussions also helped inform some of the discussions that lead to the development of the URS.*

*Given the focus of the TLD, the Registry will also consider and explore adopting other relevant forums for domain dispute resolution. For example, the Registry may explore the adoption of relevant ccTLD dispute resolution processes or any other industry arbitration processes relevant to the use to broaden the protection of the legitimate prior rights of others in the registration of domain names in the TLD. These measures will be put in place in addition to and definitely not in replacement of the basic requirements of submitting to UDRP, URS and other ICANN policies.*

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

## **Category 1 Consumer Protection, Sensitive Strings, and Regulated Markets:**

The GAC Advises the ICANN Board:

- Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. The following safeguards should apply to strings that are related to these sectors:

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

We are prepared to be and believe that our proposal is already compliant with this advice.

As part of our response to #28 Abuse Prevention and Mitigation, we have included provisions to ensure that registrants comply with all applicable laws:

*The abusive registration and use of domain names in the TLD is not tolerated given that the inherent nature of such abuses creates security and stability issues for all participants in the Internet environment.*

*Definition of Abusive Behaviour:*

*Abusive behaviour is an action that:*

- causes actual and substantial harm, or is a material predicate of such harm; or
- is illegal or illegitimate; or
- is otherwise considered contrary to the intention and design of the mission/purpose of the TLD.

Furthermore, in response to #18c Rules to minimize social costs, we have outlined additional policies and mechanisms to safeguard against consumer harm:

#### *4. Other Operating Rules Which Eliminate Or Minimise Social Costs*

*Abusive registrations will be prevented through having in place and enforcing a robust anti-abuse policy; this policy is described in detail in the response to Question 28. ARI, as provider of back-end registry services, has robust preventative and responsive mechanisms to address DDOS attacks, spamming, phishing, data theft, and similar nefarious activity. In addition to compliance with Trademark Clearing House (TMCH) requirements, policy will include processes to address issues involving trademark, copyright and intellectual property.*

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*Specifically in response to mitigating against abusive exploitation of duly registered "incorporations" with "INC" as their legal designation, a series of policies will be put in place.*

*Nevertheless, it is important to understand that according to our understanding, the designation "INC" is used for registered legal entity in the United States, Canada, Australia and the Philippines.*

Further details of the mitigation policies have been included above under response to Annex I (which was extracted from response to #22 in our original application)

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

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

We are prepared to be and believe our proposal is compliant with this advice. The Registry will specify in its Registry-Registrar Agreement (RRA) that all registrants must be notified of this requirement at the time of registration.

3. Registry operators 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.

We are prepared to be and believe that our proposal is already compliant with this advice. As described in 1. above, illegal behaviour under applicable law is considered abusive activities disallowed by the registry. The Registry will have the ability to utilize the APM (Abuse Prevention & Mitigation) mechanisms to suspend, cancel, delete or otherwise take action against the domain registration.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

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.

We are supportive of, fully prepared to be and believe our proposal is already compliant with this advice.

In our submitted application, we have already presented our research and identified that the designation "INC" is used for certain types of registered legal entities in the United States, Canada, Australia and the Philippines. We have also identified a

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comprehensive list of the relevant authorities and have committed to proactively reaching out to them to develop and implement a strategy to specifically address the issue.

The list of the authorities has been included in the letter for this response to the GAC advice. In fact, we are the only application with such an extensive consideration for the matter.

In our submitted application, we have also proposed a number of policies in #18c, #22, #28 and #29 to mitigate against the risks of fraudulent, and other illegal activities.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

5. Registrants must be required by the registry operators 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.

We are supportive of the conceptual direction of this advice to be able to connect with registrants in a timely fashion. At the same time, we also understand that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant.

Nevertheless, in balancing the above considerations, it is possible to setup an "Operations and Notifications Contact" (for example, this was approach was successfully implemented to address similar conditions during the original .ASIA ASCII launch), which Registrars and/or registrants may select to nominate, with default being either the Registrar contact or the Admin Contact for the registrant.

We are prepared to explore to include additional safeguards where appropriate in consultation with ICANN and the GAC.

The GAC further advises the Board:

1. In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors:



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

Eligibility of Registrants are verified and subject to challenge during startup phases including Sunrise and Pioneer phases as proposed in the application. Furthermore, considering the use of the designation of "INC" in certain jurisdictions, *"for duly registered legal entities in identified jurisdictions where the legal designation of "INC." is recognized will be eligible to participate in the Sunrise process for priority registration of .inc domain names that correspond to the name of their registered entity... In order to verify the eligibility of registrants, the Registry will utilize online databases (or otherwise data obtained from the respective authorities)."*

More importantly, the credentials of such registrants will be checked against authoritative data.

We have also stated explicitly in our application that:

*The Registry believes it is most appropriate to work with GAC and hear from GAC any further advice, if any, before completing the policy development process for the .inc TLD, especially for the Sunrise process involving additional considerations described above.*

We plan to gradually open up the namespace for general registration while continuing requiring registrants to abide by registration policies. Pre-verification processes will be simplified gradually with increased post-registration enforcement supported by anti-abuse measures as described above and in our application #28 Abuse Prevention and Mitigation.

We are prepared to explore to include additional safeguards and moderate the pre-verification processes where appropriate in consultation with ICANN and the GAC.

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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

As mentioned in 4. above, we have already identified various relevant authorities, organizations and bodies to refer to for various processes, including to assess authenticity and consider appropriateness of activities for domain registrations.

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We are prepared to explore to include additional safeguards and to identify and work closely with other relevant authorities where appropriate in consultation with ICANN and the GAC.

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.

We are supportive of, fully prepared to be, and believe that our proposal is already compliant with the advice.

That being said, we again emphasize that within the current ICANN gTLD Registry-Registrar framework, the Registry should rely on the Sponsoring Registrar to connect with registrants. Many Registrars feel that it is inappropriate for the Registry to directly contacting the registrant. Therefore, while we will proactively check compliance, in terms of enforcement, we intend to work closely with Registrars to administer corrective measures.

Furthermore, we will develop and implement processes for community, industry and/or public reporting of compliancy issues. These have been included in our responses to #18c, #22, #28 and #29 of our application.

We are prepared to explore to include additional safeguards and processes where appropriate in consultation with ICANN and the GAC.