

## GAC Advice Response Form for Applicants

Respondent:

Applicant Name: EFLUX.ART, LLC

Application ID: 1-1675-51302

Applied for TLD (string): ART

Dear ICANN Board,

We refer to the Governmental Advisory Committee's (GAC) Communiqué published on April 11, 2013, and in particular Annex I thereof.

Please note that we are in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, being:

1. **WHOIS verification and checks:** considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with what is proposed by the GAC;
2. **Mitigating abusive activity:** considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. If and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;
3. **Security checks:** we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;
4. **Documentation:** we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security

threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. **Making and handling complaints:** as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behaviour that is considered to be contrary to applicable law.
6. **Consequences:** we will 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, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

Considering the fact that the .mutuelle gTLD also figures on the “Category 1” list, the GAC also requires an answer to the following additional safeguards:

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.

The applicant will include these obligations in its acceptable use policy.

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

The applicant will include a provision to this effect in its registry-registrar agreement.

3. Registry operators will require that registrants who collect and maintain sensitive health information 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.

The applicant will provide for a clause to this effect in its domain name registration terms and conditions.

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

As we did in the past, we will continue to work closely with representative organizations in order to provide processes and procedures in order to mitigate the risks of fraudulent and other illegal activities, and provide for clear and swift safeguards in the event such activities occur.

5. Registrants must be required by the registry operators to notify 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 will include such a requirement in our domain name registration terms and conditions, and implement a process to this effect.

Respectfully submitted,

Anton Vidokle

A handwritten signature in black ink, appearing to read 'Anton Vidokle', with a long horizontal flourish extending to the right.

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