

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	VOLKSWAGEN (CHINA) INVESTMENT CO., LTD.
Application ID	1-1824-64001
Applied for TLD (string)	.大众汽车

Response:

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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 .大众汽车 by VOLKSWAGEN (CHINA) INVESTMENT CO., LTD.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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 rights¹. In this respect we would like to emphasize two principles of the UN declaration of rights:

¹ <http://www.un.org/en/documents/udhr/index.shtml>

GAC Advice Response Form for Applicants



- Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind.
- 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 VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. for .大众汽车 based on General Safeguards

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD., the applicant for the .大众汽车 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 - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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 - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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.

GAC Advice Response Form for Applicants



3. Security checks - While respecting privacy and confidentiality, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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 VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. identifies security risks that pose an actual risk of harm, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

4. Documentation - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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 - VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. will ensure that there is a mechanism for making complaints to VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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, VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. 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.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to note that registration policies will be setup according to this request.

VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to note that **.大众汽车** is not a generic term and therefore the GAC Advice on exclusive access of generic terms does not apply.

Furthermore VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. would like to state that the **.大众汽车** is not in the public interest, but a representation of Intellectual property rights of VOLKSWAGEN. VOLKSWAGEN (CHINA) INVESTMENT CO., LTD. reserves the right to supplement the answer to the GAC Advice with additional or amended commitments based on GAC and community feedback.