

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 Communique](#) 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	The Goodyear Tire & Rubber Company
Application ID	1-1884-1217
Applied for TLD (string)	.tires

Response:

We appreciate the opportunity to provide the ICANN Board of Directors with our response to the Governmental Advisory Committee (GAC) Advice articulated in the GAC Beijing Communique ("Communique"). In the Communique one of our applied-for new gTLD strings <.tires>, was identified by the GAC in its "Safeguard Advice" in Annex 1 as a Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLD.

We are concerned by the GAC's position that "[f]or strings representing generic terms, exclusive registry access should serve a public interest goal." We are concerned for three (3) specific reasons:

1. The GAC is adding de facto application requirements for New gTLD applications that may adversely affect an applicant's ability to secure and fully utilize the gTLD for the purpose they intended. Applicants, such as The Goodyear Tire & Rubber Company ("Goodyear"), reasonably relied on and made a decision to apply for a gTLD, in our case .tires, based on the requirements outlined in the ICANN New gTLD Applicant Guidebook ("AGB"). Prior to launch of the New gTLD Application Window in January 2012, the AGB had gone through several years of extensive community policy debate and revision, in which the GAC was privy and actively took part. The time to add the requirement that a string representing a generic word should serve a public interest goal would have been during those policy discussions and not now, more than a year after applicants committed resources (time/money/staff) and built business plans and strategies based on the AGB. Adding new requirements at this late stage is not only unfair, but it also significantly undermines the ICANN bottom-up, multi-stakeholder, consensus policy development process.

2. The determination of whether a string serves a "public interest goal" is subjective and lacks universal meaning and decision criteria, which will result in inconsistent determinations and repeated conflict among private and public stakeholders. While we believe operating .tires as a

closed registry will serve the public interest by enabling only Goodyear and its affiliates to utilize second-level names to provide authorized, legitimate and accurate content, products and services, other 3rd parties, like an individual government agency, may think otherwise, finding restricted access to be contrary to the public interest in their country, territory or region. In such situations, whose opinion would carry the day? What body would decide the issue and what criteria would be used to make such decisions? Without universal, objective standards, and experienced, independent decision-makers, neither applicants nor the public can expect predictable and uniform results. Some applicants will find themselves barred from operation, while others will not, resulting in material harm to those applicants whose strings are arbitrarily determined to not meet "public interest goals."

3. The GAC Advice articulated for Category 2 (Restricted Registration Policies), Sub-category 2 (Exclusive Access) gTLDs is overly broad and reads more like a mandate than advice on how to responsibly regulate and govern the issuance of new gTLDs. Without more detailed advice about considerations and mechanisms that could be used to decide whether a string will serve "public interest goals," acceptance of this piece of GAC Advice would set a dangerous precedent that it is acceptable for the GAC to issue mandates after the policy-making process and not provide specific recommendations and inputs during policy formulation stages.

Therefore, for the above-stated reasons, The Goodyear Tire & Rubber Company recommends that the ICANN Board of Directors reject the GAC Advice requiring exclusive registry access to serve a public interest goal for strings representing generic terms.