



**May 10, 2013**

**Response to the Government Advisory Committee (GAC) Advice Within the Beijing Communiqué issued on April 11, 2013**

DotBook, LLC applied to ICANN (Application ID: 1-2029-6966) to operate the .book new generic top level domain (TLD) Registry. We thank ICANN for the opportunity to submit these comments in response to the GAC Advice on safeguards applicable to new generic top-level domain names (gTLDs).

**General Comments**

DotBook, LLC (“DotBook”) is in agreement with the GAC that any safeguards must be implemented in a manner that is fully respectful of human rights and fundamental freedoms, applicable laws, and not be discriminatory.

**Safeguards Applicable to all New gTLDs**

The GAC has advised that six general Safeguards (#1-6) should apply to all new gTLDs and shall be subject to contractual oversight: 1) *WHOIS verification and checks*; 2) *Mitigating abusive activities*; 3) *Security checks*; 4) *Documentation* (of WHOIS records and other reports); 5) *Making and Handling Complaints*; and 6) *Consequences* (for registrants who violated policies).

DotBook wishes to highlight the fact that in its application to ICANN for the .book TLD, we expressly and pro-actively declared our intention to implement a version of each of these six safeguards.

Despite our full commitment to these six Safeguards and our agreement that all registry operators should make similar commitments, we believe it is inappropriate for the GAC to dictate the specific processes, procedures or requirements for their implementation. As a prospective registry operator for the .book TLD, we have developed our own methodologies within ICANN policy guidelines and best practices for conducting the security checks, maintaining statistical reports and addressing violations of their terms of service.



Therefore, DotBook provisionally agrees with GAC Advice related to these six Safeguards, so long as DotBook is allowed to execute on its specific methodologies and proposed plans for .book as a safe, trusted, and secure top level domain operating in the public interest.

### **Category 1 Safeguards**

In addition to the six general Safeguards applicable to all new gTLDs, the GAC has advised that five additional “Category 1” safeguards be implemented for strings that:

- *Are linked to regulated or professional sectors that should operate in a way that is consistent with applicable laws*
- *Are likely to invoke a level of implied trust from consumers*
- *Carry higher levels of risk associated with consumer harm*

### ***GAC Suggested Safeguards #1 and #2 (Category 1):***

*(#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; (#2) Registry operators will require registrars at the time of registration to notify registrants of this requirement.*

As described in our application, DotBook will adopt and enforce registrar and registrant compliance with an *Acceptable Use Policy* that clearly defines the types of activities that will not be permitted for all users of the .book TLD, including those the GAC has broadly identified as being related to misleading or deceptive conduct. In cooperation with such registrars and resellers, all registrants will be notified at the time of registration and will be forced to agree with the terms and conditions set forth in the AUP.

### ***-GAC Suggested Safeguard #3 (Category 1):***

*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.*

Although the GAC’s goals and objectives for establishing increased levels of privacy and security for sensitive health and/or financial information are laudable, with respect to these safeguards, the GAC has failed to provide any specifics that would help to determine whether or not any registry operator could conceivably meet such requirements.



For example, the GAC has not clearly defined what “*sensitive health and financial data*” means, what “*services*” the advice actually refers to what “*security measures*” are required, let alone any criteria for which would be used to determine how these might be considered *commensurate with the offering of those services.*” Furthermore, the GAC has failed to specify the applicable laws and recognized industry standards for those services, or how these may apply to the addressable market of registrants that is identified in our application to ICANN for the .book TLD.

***GAC Suggested Safeguard #4 (Category 1):***

*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.*

For the .book gTLD application, DotBook, LLC has taken great care and extensive efforts over the past three and a half years to craft and refine a set of policies and protections for both registrants and users (e.g. the public) of .book in order to create a safe, trusted, and secure top level domain operating in the public interest. During this time we have formed partnerships with respected industry players who are in a position to help us to accomplish our objectives, including Neustar, Inc.. We are strongly committed to working with law enforcement and authorized regulators and responding to their requests in a timely and efficient manner.

As stated in our application to ICANN for the .book TLD, DotBook will leverage Neustar's comprehensive Information Security infrastructure to apply administrative, technical and physical safeguards for the operation of its .book gTLD. Neustar already has established and on-going cooperation with law enforcement agencies and well-known security organizations throughout the world including the Anti-Phishing Working Group, NSP-SEC, the Registration Infrastructure Safety Group, and others. Aside from these organizations, Neustar also actively participates in privately run security associations whose basis of trust and anonymity makes it much easier to obtain information regarding abusive DNS activity, all of which will be of key input to the operation of the .book TLD.

Furthermore, and as expressed in our application, DotBook will also work in close collaboration with The International Federation of Reproduction Rights Organizations (IFRRO). IFRRO is an independent organization established on the basis of the fundamental international copyright principles embodied in the Berne and Universal Copyright Conventions. Its purpose is to facilitate, on an international basis, the collective management of reproduction and other rights



relevant to copyrighted works through the co-operation of national Reproduction Rights Organizations (RROs) around the world. To accomplish its mission, IFRRO fosters the development of information-exchange systems and effective methods for conveyance of rights and fees among rightsholders and users. IFRRO facilitates co-operation among RROs as well as with and among creators, publishers and their associations.

In the future, we intend to expand our collaboration on .book with other relevant, respected and trusted entities in the global publishing arena. Given the strong relationships already held by our senior executives with industry standards bodies and others in the publishing supply chain, we believe we currently meet or exceed the GAC's suggested requirements for the implementation of this recommended safeguard.

***GAC Suggested Safeguard #5 (Category 1):***

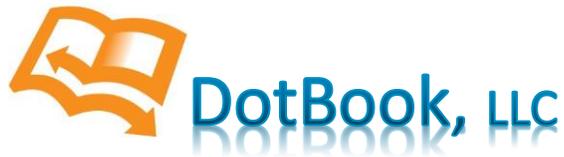
*Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, for the notification of complaints or reports of registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.*

As described in our application to ICANN for the .book TLD and answers to Question 28 (Abuse Prevention and Mitigation):

DotBook will establish and publish on its website a single abuse point of contact responsible for addressing inquiries from law enforcement and the public related to malicious and abusive conduct. DotBook will also provide such information to ICANN prior to the delegation of any domain names in the .book TLD. This information shall consist of, at a minimum, a valid e-mail address dedicated solely to the handling of malicious conduct complaints, and a telephone number and mailing address for the primary contact. We will ensure that this information will be kept accurate and up to date and will be provided to ICANN if and when changes are made. In addition, with respect to inquiries from ICANN-Accredited registrars, our back-end registry service provider, Neustar, shall provide an additional point of contact, as it does today, handling requests by registrars related to abusive domain name practices.

**Additional Category 1 Safeguards**

The GAC Advice also notes that "some strings" may require further targeted safeguards to address specific risks and adds Safeguards No. 6, No. 7, and No. 8 to the five Category 1 Safeguards as described above.



As a general comment, we believe the GAC Advice related to these additional safeguards is not nearly specific enough, and on many levels seems entirely unworkable in practice. While we believe it is entirely unreasonable for the GAC to impose safeguards which require "pre-validation," following the close of the Sunrise period, we do feel it would be reasonable to require registries to collect specific types of information that would aid in the future investigation of cases of abuse. However, without having a great deal more specifics with respect to the harms being addressed or the requirements being recommended, we do not believe ICANN can fairly consider these as being plausible or feasible solutions for addressing such risks. Furthermore, requiring the implementation of these Safeguards as even broadly proposed would go completely against the GAC's own Principles Regarding New gTLDs, published in March 2007<sup>1</sup> which included this principle among others:

2.5. The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency, and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the process.

With respect to the GAC's stated concerns and suggested safeguards for strings in the Category of "Intellection Property," we wish to highlight and reinforce those commitments that were made in the DotBook, LLC application to ICANN for the .book TLD – specifically, those that are described in our response to Question #29, sub section 29.2 Safeguards Against Unqualified Registrations.

In our response to Question 29, we explicitly committed to the implementation of numerous safeguards for authors and publishers in order to prevent abusive or unqualified registrations. We explained how our approach to protecting both trademarked and non-trademarked names is necessitated by the fact that many of the most recognizable "brands" in book publishing are the actual titles of books, which for the most part are not subject to trademark protection. Publisher and authors have a tremendous amount of goodwill attached to certain titles that cannot be formally assigned trademark protection.

With respect to GAC Safeguard #7 (cooperation with relevant national supervisory authorities), we explained that to help insure accuracy in our domain registration process during the sunrise phase, DotBook will also work in close collaboration with The International Federation of Reproduction Rights Organizations (IFRRO).

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<sup>1</sup> <http://archive.icann.org/en/topics/new-gtlds/gac-principles-regarding-new-gtlds-28mar07-en.pdf>



## **Category 2 Restricted Registration Policies**

In addition to Category 1 Safeguards, the GAC has also issued GAC Advice related to restricted registration policies.

DotBook, LLC believes that the domain name space should be operated in an open manner and that consumer choice and access is of paramount importance for the success of all new gTLDs. Any unduly burdensome restrictions on registrants or registrars should be avoided. Placing registration requirements or restrictions on some new gTLDs and not others will unfairly prejudice these new gTLDs when launched into the consumer marketplace.

## **Conclusion**

At DotBook, LLC, our mission is to establish .book as the most preferred top level domain for global book industry stakeholders and the book consumers that purchase from them. To ensure success for all participants, we believe it is vital that publisher and author registrants be safeguarded from abusive registrations that might be used to promote unauthorized access to copyrighted text and image based works legally assigned to rightsholders.

We believe the numerous safeguards and methodologies that we have proposed are well-positioned to address these concerns, and either meet or exceed those safeguard requirements which were proposed by the GAC in its Advice of April 11, 2013 with respect to New gTLDs.