

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	DotGreen Community Inc.
Application ID	1-884-75541
Applied for TLD (string)	.GREEN

Response:

The GAC Advice to ICANN regarding Community Support for new gTLDs (New gTLDs section 1E of Beijing GAC Communiqué) is very important, straightforward, comprehensive, and exactly within the expectation of the role of the GAC in the new gTLD program and in the ICANN processes. The GAC Advice regarding Community Support as it relates to the .GREEN TLD must be accepted in full by ICANN. The following explains how this GAC Advice impacts the .GREEN TLD, an important global TLD designed to serve the global Public Interest.

Section 1E - Community Support for Application:

The GAC advised ICANN “that in those cases where a community, which is clearly impacted by a set of new gTLD applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.”

FACT: For the first time in the history of the bottoms up multi-stakeholder process at ICANN, the GREEN Internet user voice has joined the discussion at ICANN through representation by DotGreen Community Inc. (“DGC”). In addition, members of the global green community have participated in the online ICANN Public Comment Forum, thus learning more about ICANN and its processes. Finally, many international delegates have interacted with the local Green Community leaders during DGC sponsored People and Planet Events alongside ICANN meetings in four of five ICANN regions so far.

Keeping the voice of Green stakeholders of the Internet active at ICANN meetings, and serving the Public Interest is at risk because there are three other non-community supported applicants for .GREEN. The selection of which applicant will operate the .GREEN TLD will cause tremendous impact to this community as it is important that the voice of Green Stakeholders

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around the world continue to be heard within ICANN and that can only be accomplished by ensuring that the Green Community's representative, DGC, operates the .GREEN TLD. The other three applications in the .GREEN contention set do not reflect or represent the Green Community or the Green Community's interests in any way. Their interests as existing registries is already a well represented (also needed) perspective among the stakeholders at ICANN policy discussions. The Green Community will be severely negatively impacted if an entity not intimate with "GREEN" and not supported by this community stands to take over this valuable identity and internationalized term which many in the Green Movement from all regions of the world both on and offline have already aligned their values with. Industries and people are shifting to GREEN and this is reflected in other governing bodies, and should be at ICANN too.

The Global Public, and for the first time, the Green Community, contributed its voice through the multi-stakeholder process of bottoms-up consensus driven policy via the ICANN New gTLD Public Comments component of the process and it is imperative that the ICANN Board listens and reacts appropriately.

DotGreen has 100% of the positive and supportive comments documented in ICANN's Public Forum, and zero objectionable comments about DotGreen. This is not true of the three competitors who have all received multiple negative new gTLD commentary from the Public with regards to their application(s) and no positive or supportive comments. The reason for this is DGC has the support of the Green Community - plain and simple.

In addition, the three competitors all received a GAC Early Warning in November 2012 prior to this GAC advice. DotGreen Community did not receive an Early Warning.

EarthShare a significant part of the green community, is a Federation of more than 500 of the world's largest and International Environmental Organizations, all of whom have hundreds of corporate partners and collectively represent millions of individual members acting together for GREEN. In 2008, EarthShare wrote a letter directly to ICANN to inform the Board of their support for the new .GREEN TLD initiative and for DGC to run it. Years later, in 2012, another letter of support, and affirmation from EarthShare, was posted on the ICANN website in the Public Comments Forum. It states that as a member of the GREEN Community, it requests that ICANN delegate the .GREEN TLD to DGC and explains why this is so important.

The bottoms-up multi-stakeholder model requires public comment to be true to its process. The voice of the public has been collective and clear. DotGreen Community is the clear representative of the Green Community, and the only applicant who is qualified to run the .GREEN TLD and all that entails to serve this community appropriately. After the almost 6 years of open and transparent global public outreach about .GREEN, about the Green Community, about ICANN, and about new gTLDs in general, by DGC, the public has never voiced an objection or negative comment specifically about DGC or its .GREEN initiative. The Green Community without doubt continues to support and requests that ICANN delegate the .GREEN TLD to DGC.

ICANN gains legitimacy on the global stage through fulfilling its own mandates of the new gTLD Program:

- Public Comment Process
- GAC Advice from the International Governmental Stakeholders

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- Broad global community support for a community string
- Public Interest (.GREEN is clearly a global Public Interest TLD)
- The Applicant Guidebook

All of these mandates are very important to the legitimacy of the new gTLD process, the Affirmation of Commitments, the core values of ICANN, and the Public Interest. ICANN must act first for the benefits of Internet users, and all decisions and outcomes must be in the Public Interest.

The following excerpts from The Affirmation of Commitments precisely confirm the above statements.

“3. This document affirms key commitments by DOC and ICANN, including commitments to: (a) ensure that decisions made related to the global technical coordination of the DNS are made in the public interest and are accountable and transparent;...” Affirmation of Commitments.

“4. DOC affirms its commitment to a multi-stakeholder, private sector led, bottoms-up policy development model for DNS technical coordination that acts for the benefit of global Internet users. A private coordinating process, the outcomes of which reflect the public interest, is best able to flexibly meet the changing needs of the Internet and of Internet users. ICANN and DOC recognize that there is a group of participants that engage in ICANN's processes to a greater extent than Internet users generally. To ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders, ICANN commits to perform and publish analyses of the positive and negative effects of its decisions on the public, including any financial impact on the public, and the positive or negative impact (if any) on the systemic security, stability and resiliency of the DNS.” – Affirmation of Commitments

“6. DOC also affirms the United States Government's commitment to ongoing participation in ICANN's Governmental Advisory Committee (GAC). DOC recognizes the important role of the GAC with respect to ICANN decision-making and execution of tasks and of the effective consideration by ICANN of GAC input on the public policy aspects of the technical coordination of the Internet DNS.” – The Affirmation of Commitments

Conclusion: All of the positive .GREEN public comments submitted (49) were in support of the DGC application. There were no positive comments submitted for the other applications and in fact, they received negative comments. It is very objectively clear that the Green Community has selected and contributed appropriately to the multi-stakeholder discussion on who should operate .GREEN and that is DGC. ICANN recognizes that there is a group of participants that engage in ICANN's processes to a greater extent than Internet users generally. ICANN has affirmed its commitment to ensure that its decisions are in the public interest, and not just the interests of a particular set of stakeholders. It is also clear in the Affirmation of Commitments that as ICANN must adhere to a multi-stakeholder, bottoms-up process, that includes listening to the GAC and acting on GAC Advice where it relates to Public Interest and the outcomes of ICANN's decisions must always be for the Public Interest and Internet user.

At the time of this letter, DotGreen Community, Inc. is the only applicant for the .GREEN TLD who has passed the Initial Evaluations. The other .GREEN applicants are still eligible for refunds. ICANN has achieved international legitimacy for the new gTLD process by listening to GAC

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Advice, and by providing for further consultation when needed. While ICANN is not expected to take all GAC Advice, it is responsible to accept the GAC's Advice when aligned with the new gTLD program, supportive of multi-stakeholder governance, and ICANN's mandates of Consumer Trust, Choice, Competition and Innovation. The GAC Advice delivered to ICANN on Community Supported is such advice and in fact warrants removing the non-community supported .GREEN TLD applications from the new gTLD program.

In summary, the global Green Community has participated at ICANN appropriately through the multi-stakeholder process by way of DGC, letters to ICANN, the online public comments forum, and even through representative members of the GAC. It has been confirmed to ICANN that the .GREEN TLD has tremendous potential on the Internet to positively impact people and planet and should be managed by an applicant from the Green Community for the Green Community. ICANN must act and adhere to the principles of Public Interest as is written in the Affirmation of Commitments – by ensuring the interests of the global Internet users are protected. ICANN must also protect the multi-stakeholder model, the new gTLD program, its relationship with the GAC, and its own legitimacy on the international stage. This is accomplished by listening to and accepting GAC Advice as it relates to Community Support. .GREEN, critically important to the future of our people and planet, is clearly a global Public Interest TLD. DotGreen has the support of its community, clearly represents a valuable Internet stakeholder at ICANN ensuring consumer trust and choice on the Internet. DGC is the only entity in the history of ICANN who has brought the clear voice of the “Green” stakeholder to Internet governance at ICANN. As part of ICANN's Affirmation of Commitments, ICANN is directed to make decisions in the Public Interest, incorporate the global interests of Internet users into its bottoms-up policy development through the multi-stakeholder model and to listen and accept GAC Advice when its aligned with the new gTLD program, and then to take action! It is for all these reasons, that all registry's applications for .GREEN should be removed from the program to prevent detriment and harm to the processes and to ICANN, the Green Community, and the public. The .GREEN TLD should be awarded by ICANN to the community supported DGC on the basis of GAC Advice and the Public Interest.

The next section of GAC Advice DGC will address is New gTLDs Section 1B (Annex I) relating to Safeguards Advice.

.GREEN was mentioned in the non-exhaustive list. While this was a part of the official GAC Advice, the issues addressed appear to be in the categories of policy development and the Applicant Guidebook. While we feel this section does not fall into the original spirit and intent of GAC Advice, we will nonetheless address these issues below. Should ICANN decide that this GAC Advice is outside the new gTLD program, or is irrelevant to the .GREEN TLD, the reader may skip our response below.

Section 1B Safeguard Advice for New gTLDs sections 1 – 5 (Annex 1)

While we understand the GAC's concerns, we will describe below how we either are already addressing these issues or describe how they are not applicable.

GAC Advice - 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

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protection (including in relation to misleading and deceptive conduct), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. It will also only work with Registrars who sign the 2013 Registrar Accreditation Agreement. In addition, as stated in its application, DGC will require all .GREEN registrants to confirm their understanding of the Green concept. And DGC will also take action against .GREEN domain names used in a harmful or abusive manner not consistent with the principles of Green and Sustainability.

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

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. In addition, it will only work with Registrars who sign the 2013 Registrar Accreditation Agreement.

GAC Advice - 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.

DGC will adhere to all requirements in the ICANN New gTLD Guidebook and the Registry Agreement. In addition, it will only work with Registrars who sign the 2013 Registrar Accreditation Agreement.

GAC Advice - 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.

DGC has been and always will be very closely involved with the global Green and Sustainability Community and will work to ensure that the .GREEN TLD space will be operated in accordance with both applicable laws and consumer protections. It should be noted that there are multiple entities including governments around the world, involved with Green monitoring, certification, etc. and while DGC will continue to work closely within the Green community, it is not the role of DGC as a Registry for .GREEN to declare "who and what is green and who and what is not green."

DGC's plans are for .GREEN to be an inclusive space and to welcome in those entities and individuals, products, and ideas who are interested in Green online, who are in the process of going green or who desire to become greener - this is already how this important global movement grows. It grows freely. This is a perfect match for the open Internet. DGC has included in its application the ability to take action against .GREEN domain names that are being used in a negative or harmful way toward Green and Sustainable activities.

GAC Advice - 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

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registration abuse, as well as the contact details of the relevant regulatory, or industry self-regulatory, bodies in their main place of business.

The DGC application for .GREEN includes strong safeguards and adherence to all ICANN required (via the Applicant Guidebook) protections and safeguards. In addition, there are contractual safeguards that are built into the Registry Agreement DGC will sign with ICANN as well as additional safeguards for Registrants given DGC will only work with Registrars who have signed the 2013 RAA with ICANN.

Category 1 – Consumer Protection, Sensitive Strings, and Regulated Markets

DotGreen Community, Inc. has noted that there are three descriptive types of Category 1 which are listed by the GAC. They are: Consumer Protection, Sensitive Strings, and Regulated Markets. Below we make the distinction that not all apply to the .GREEN string.

Consumer Protection

Research behind .GREEN shows that Consumer protection will be enhanced through the deliberate use of .GREEN domain names by the Green Community on the Internet due to the intrinsic traits and benefits of the Internet, such as networking, sharing, and transparency. The Green Movement has grown by itself, and will continue to do so even faster online with the use of the .GREEN TLD. DGC's adherence to all ICANN policies, the New gTLD Guidebook, the Registry Agreement and working only with Registrars who sign the 2013 RAA will ensure the best possible outcome for the Internet users of .GREEN and ultimately the consumer.

Sensitive Strings

The GAC has recognized that .GREEN is a sensitive string. The term GREEN has already been identified with by governments, initiatives, not-for-profit organizations, businesses, people and their technologies who share the values associated with the definition of the word GREEN. Allowing .GREEN delegation to an applicant who is unsupported by the Green Community would cause detriment to those all around the world who already identify with this sensitive term today. Internet users may see this as a Greenwashing by ICANN to declare a new .GREEN TLD run by a registry from the Internet business who is not Green and is not involved with Green or the Community. Greenwashing of the .GREEN TLD even before it launches would cause Public Detriment to the Green Community who take pride and who understand GREEN.

The word GREEN is not regulated in the world and cannot be regulated today as a word. Therefore, .GREEN is not a regulated or regulate-able market. We understand what the GAC is looking for. However, It is not the job of a TLD registry operator to decide the definition of the international and generic word GREEN. It is applicable to many things, ideas, even people and their individual approaches to living. No one entity can possibly certify a community or a movement of the masses such as GREEN and yet, the movement exists and it is good.

Regulated Markets

This is not applicable to .GREEN as GREEN is not a regulated market.

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The GAC Further Advises the Board (Items 6-8)

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

This item is not applicable to .GREEN as explained previously. "GREEN" is not a regulated sector, and because of its broad definition, it can never be a regulated sector. Parts of the Green Movement can be specialized and regulated but not the overarching term or generic word Green which is used to apply to a millennia of things.

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.

This item is not applicable to .GREEN as explained previously. "GREEN" the word is not a regulated sector, there is no license or credentials needed to use or apply the same generic word "GREEN" to thoughts, ideas, things, way of life, etc. for millions of diverse people. Therefore there is no relevant national supervisory authority or equivalent to consult with.

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.

Once again "GREEN" is not regulated as a generic term, therefore this part of GAC Advice does not apply to .GREEN. At the time DGC applied to ICANN, there was no requirement of expertise needed for validating licenses, documents, programs, and regulations other than what is required in the Industry to run and manage a TLD.

The last section of GAC Advice DGC will address is Section 5 (Annex II) Public Interest Commitments Specifications (PIC) – DGC did submit PIC's related to its continuing and direct involvement in ensuring the .GREEN TLD is operated in the best interests of the global Green Community and Internet users. Given the GAC Advice provided relative to PIC's pertains to ICANN's implementation of the PIC process, DGC will provide no further comments on this area other than to re-enforce our commitments to our PIC's submitted and the following:

FACT: DGC was originally founded for the sole purpose to help people and planet for the global Public Interest. DGC's initiative and business plan was designed by a collaboration of university faculty, green MBA students, environmental organizations, and business experts for the purpose of bringing to the world its first environmental Top Level Domain for the Public Interest .

This concludes the response from DGC. Thank you for your attention to this very important portion of the new gTLD program process. DGC wishes to thank ICANN for the opportunity to respond to the GAC Advice offered to the ICANN Board with regards to the new gTLD program, and the .GREEN string.

OPTIONAL READ

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Below is further explanation and examples of why the generic word GREEN is not a regulated market which a few believe it is, and why GREEN cannot be regulated simply as a word or term. We offer some stories / examples below for the reader who may think GREEN is a regulated market. If the reader is in agreement that .GREEN is not affected by GAC's advice as a regulated market, then there is no need to continue reading as our official response to the GAC Advice to ICANN is all stated above.

DGC understands the need for third party and governmental certification companies for industry and for products, etc. However, this must not be confused with regulating a word and its definition that so many people have already been using around the world in their own way such as "GREEN". Regulation is an important component to certification programs. And certification programs are vastly respected and needed in the Green Movement. Certification is built on disciplined and measurable criteria. Regulation, like certification is generally industry specific and dictates the activity, action, process, expertise, or methodology of a specific industry sector or more likely a specific part of an industry - making such an activity, or product "certifiable." There is a big difference between a certifiable set of criteria for processes vs. a generic word used around the world to describe all kinds of things such as an approach to life, business, people, ideas, places and things.

The .GREEN TLD is an exciting tool that will be used by people all over the world to spread the knowledge and awareness of various 3rd party certification programs along with the Green Movement. DGC and Internet users recognize certifications are a serious part of the Green Movement and can be found easily at future .GREEN websites such as LEEDs.green, homemadecakes.green, travel.green, or myideas.green. ICANN must understand that GREEN itself, is not a "regulated market", it is a generic "word" with a diverse meaning to many. An attempt to regulate "GREEN" as a word which belongs to the people of the world, not to regulators or governments, or even TLD managers, will not work. GREEN is a word that has never been regulated by anyone before. The term GREEN, the Green Movement and the ability of Internet users and the Green Community have to use the .GREEN TLD to rapidly spread the awareness and education about going GREEN in a multitude and diverse number of ways for Public Interest is required.

EXAMPLES:

Why Green certification is not the same as certifying the word GREEN (as a standard meaning – one size fits all in all genres)

GREEN means many things, for example: A car company wants to use "GREEN" to present their innovative electric motor technology, which some would agree is better for the environment. However, the bicycle coalition objects to any car company using "GREEN" to certify themselves because manufacturing and driving cars is not GREEN according to them. Meanwhile the Vegetarian Association objects because some of the cyclists eat meat. And they object only to cars that have leather seats. Yet they all agree that they themselves and each other are part of the GREEN Movement and are happy to have .GREEN domain names. Again, GREEN has many different meanings to many different people in and around lifestyle, humanitarian issues, business, environmental, regional, and even thoughts, causes and personal moral choices.

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Certified Products: Individual products such as shampoo, or specific industries such as egg farming which may have serious certifications and regulations built on scientific criteria about shampoo and poultry can and may be regulated and certified, not the definition of the widely used word “GREEN.” The .GREEN TLD is an opportunity for registrants to use “.GREEN” as an online street name, like a location of where they want to do business such as a farmers market and who their values are likely to be aligned with. If consumers want certification they will seek industry and product specific certifications that are reputable in the certification industry as well as the industry of interest. These certifications are based on real science and in depth monitoring per industry requirement and are extremely detailed and exhaustive and ever changing with new discoveries, innovation, and technology. They are also usually specialized to one sector or even to one product. This is amazing work but not the role or the place of a registry operator.

Not a Regulated Market Sector: .GREEN may be loosely associated as being a market sector, yet “GREEN” does not have clear and / or regulated entry requirements as the GAC may suggest. People all over the world have been using the generic term “GREEN” and the movement is freely growing both in size and quality - without any certification program specific to the right to use the word “GREEN” by itself to describe a value, a cause, a concept which differs in meaning from one consumer to the next.

Example that Green is not a Regulated Market Sector: A young woman in Portland, might call into a public radio station, and declare, “I think I will plan a GREEN birthday party.” She did not have to be certified to use the word GREEN in her idea or in her public statement. Furthermore, there is no “GREEN” law or regulation officer that will be checking on the components of her party certifying if she can call her activity GREEN publically or privately. She can go to different sites: [birthdays.green](#), [bakery.green](#), [events.green](#) to decide just exactly what services she wants to include in her GREEN birthday party. Her guests will likely applaud her desires to go green and may even get some inspiration and good ideas for their own parties. Not all her guests are vegans, so she herself can decide if adding pasture raised local chicken teriyaki to her otherwise vegetarian menu is in keeping with her GREEN ideals and values. She would be pleased to find what she needed at [sustainablefarms.green](#), and was happy to call [taxicab.green](#) to pick up her parents from the airport. Today she is allowed to purchase [MyGreenBirthdayParty4657.com](#) without regulation, however, it is not available, so she buys [myBirthdayParty.green](#) to blog and spread the GREEN information and news of her party. She wants to make an impact by spreading awareness and encouragement to others to go green the way she already does on the phone, or on Facebook. But imagine if GREEN was regulated. The GREEN Community across the world would likely not benefit from her great ideas and experience because she invited guests who arrived by airplane and perhaps that was part of someone’s criteria who wanted GREEN to be a word of certification.

New gTLDs are about self-organization, not regulation. The following example shows further how conducting periodic post registration checks for the purpose of establishing the “GREEN-ness” of a registrant is simply not plausible for any government, entity, or registry trying to attempt to regulate GREEN across a timeline of ownership of a domain name for a world of diverse people, the choices they make, and their various changeable situations

Example: The usage of water is a very “GREEN” issue all over the world. Imagine the registrant who purchases [FlowerHobby.green](#) while living in Ireland. He runs a popular blog which shares

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information to millions of Internet users about how to organically grow an ornamental garden, making a measurable and positive impact in the Green Movement. If someone wants to get their garden certified, they will go to their local and specific authority with the expertise on certification of organic gardens, not a .GREEN TLD manager. For discussion purposes, let's assume the .GREEN registry was able to develop "GREEN" criteria for a flower hobbies so he could be certified with a .GREEN domain name. Later he moves to Las Vegas, and starts a backyard garden, and keeps his successful website and domain name. Should a registry operator investigate if he has indeed started a garden at his new home? Should the registry notice that his backyard flowers are no longer surviving on Ireland's rainwater? The environmentalists don't want any people living in the desert, because the water is imported from rivers hundreds of miles away harming fish and ecological systems. The conclusion might be that no one living in Las Vegas would be entitled to a .GREEN name. Or a conclusion could be that if someone moves, they should re-apply and possibly lose the right to maintain their thriving business at the same domain name.

Conclusion: Attempting to legislate the meaning of the word GREEN invites disunity, lawsuits, dysfunction and will destroy the opportunity for Internet users and the people of the Green Community to contribute, collaborate and progress the global Green Movement with an open flow of information on the Internet full of choice, ideas, science, education, and innovation on .GREEN websites. New gTLDs offer the Internet user a sense of organization and meaning, to an online space. Registrants want to be associated with their communities, or found by their target audience or markets. Generic words are not regulated across all genres, industries, products, thoughts, actions, lifestyles, etc. - therefore neither can generic TLDs.