

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	GMO Registry, Inc.
Application ID	1-890-52980
Applied for TLD (string)	.INC

Response:

GMO Registry supports many of the tenets of the policy advice contained in the April 2013 GAC Beijing Communiqué and has already incorporated many of the same principles into our vision for a .INC namespace, as demonstrated in the publicly available policy section of our new gTLD application. We also express a willingness to examine ways in which any advice the ICANN Board decides to take on, may be adopted into the operating policy for .INC through Public Interest Commitment Specifications or other means. That said, we have serious reservations about introducing new policy requirements at this stage of the process, the disadvantage it may cause new gTLD operators in competing against legacy TLDs who are not subject to the same requirements, and that adoption of the GAC’s advice would cause significant further delays to the introduction of new gTLDs.

Safeguard Advice and Advice on Consumer Protection, Sensitive Strings, and Regulated Markets

On the grounds of process, GMO Registry raises a number of concerns about attempts to introduce new rules or requirements long after the application deadline and when some applicants have already passed Initial Evaluation. Further, beyond the “Consensus Objections”, objections to religious terms and the “Strings for Further GAC Consideration”, much of the Beijing Communiqué contains advice outside of the scope laid out in Module 3.1 (i-iii) of the Applicant Guidebook under which the GAC may advise at this stage of the process.

The GAC had every opportunity to raise these issues between 2005 and 2011 throughout the development of the new gTLD program, and arbitrarily imposing new rules at this stage of the process undermines the ICANN multi-stakeholder model, and has serious implications for new gTLD applicants that have already made a significant investment in their applications and developed business models around the requirements of the Applicant Guidebook. Indeed, in its 2007 GAC Principles Regarding New gTLDs, the GAC itself says “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.”

We also believe that applying the safeguards and consumer protections only to new gTLDs would not only limit the intended result, but would harm the program's goal of "enhancing competition" in the Internet namespace by placing an increased financial and operational burden on new gTLDs that be a disadvantage in competing against existing TLDs.

As such, GMO Registry urges the ICANN Board to interpret the Safeguard, Consumer Protection, Sensitive Strings, and Regulated Markets advice as policy advice, and that any new policy requirements should be developed in the transparent, "highly participative, fair, and balanced process" in line with ICANN's mission and should apply to all gTLDs. Further we ask that the Board not allow the GAC policy advice to further delay the introduction of new TLDs.

Safeguards for Corporate Identifiers

As a namespace intended for companies, trust is crucial to the mission and purpose of .INC and as such GMO Registry has developed comprehensive policies aimed at providing maximum protection for stakeholders, and establishing and preserving a reputation as a trusted namespace that corporations of all sizes will adopt as their primary online identity. We plan to implement proven security measures at every level of the registry business and technical operation including stringent security policies and procedures, as well as comprehensive abuse handling mechanisms to mitigate security threats to the TLD.

The GAC advice recommends three additional safeguards for strings labeled as "corporate identifiers" including .INC. The recommendations appear to be aimed at protecting stakeholders and mitigating abuse. As shown above, these same objectives are shared by GMO Registry.

GMO Registry's application for .INC describes plans to put in place the following registrant and string eligibility requirements.

1. Registrant Eligibility Requirements

Registrants must be a legally established corporation or company.

All .INC domain name registrants will be required to prove that the companies or organizations are legally established by providing the following company information at the time of domain name registration:

- Country Name where the company is established
- Company Identification Number Type (Business ID, Tax ID, VAT, etc.)
- Company Identification Number

2. Restrictions on Domain Name Strings

Registrants will be entitled to register domain names that are identical or similar to their company or corporation name, current or future trademark, business name, trade name, business identifier, names under which they are commonly known, slogans, acronyms, etc., including combinations thereof, in the .INC TLD.

All .INC registrars will be required to include, policies and restrictions in the registration agreement with their customers, and registrants must agree and comply. This requirement is essentially aligned with the first of the GAC's safeguards (below) and even goes further in that it also defines eligible strings.

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

sector.

While GAC recommends validation of the registrants' qualifications, GMO Registry believes that validation is better entrusted to the authorities that issue the qualifications and have the required resources and understanding of relevant laws in their respective countries or administrative regions.

The GAC's second and third safeguards for corporate identifiers reinforce the first through additional verification and periodic monitoring. GMO Registry also seeks to reinforce the above requirements, but has proposed to do so through a comprehensive Registration Policy Compliance Dispute Resolution Policy. Under the policy, complaints would be directly handled by the registry operator and its appointed dispute resolution provider, and the registry would reserve the right to suspend, delete or lock any domain name in violation of Registration Policies.

Not only is this consistent with established industry practice, we also believe that monitoring would be of limited effect as registrants are able to register domain names that are not identical to their corporate name. Rather than forcing registries to monitor 24/7, providing means for third parties to file complaints is a far more effective approach.

The Registration Policy Compliance Dispute Resolution Policy is described in our application for .INC as follows.

Registration Policy Compliance Dispute Resolution Policy

The registry will also develop a Registration Policy Compliance Dispute Resolution Policy so as to allow third parties to file complaints against purported violations of the policies. Complaints may be filed on at least the following bases:

- Registrant Eligibility
- Name Selection

Complaints may be filed to the registry operator of .INC directly, and will be handled by the registry operator or its appointed dispute resolution provider.

After receiving a complaint, the registry operator of .INC or its appointee will investigate the claim. If the claim is valid, and depending on the nature of the violation, the complaint will be resolved by one or more of the actions from the following non-exhaustive list:

- working with the registrant to remedy the situation
- referral of the matter to the abuse point of contact
- suspending, deleting or locking the domain name in question

In addition, our application outlines a strict Abusive Use Policy that includes plans for a 24-hour abuse support window, as well as policy regarding accuracy of registration information and restriction of Whois Proxy services. The registry operator reserves the right to deny, cancel or transfer any registration or transaction or place any domain name on lock, hold or similar status in the event of a violation of either of these policies.

GMO Registry seeks to reassure the ICANN Board, and the GAC that while the proposed means of achieving the shared goals, protecting stakeholders and mitigating abuse, differs in some aspects between the GAC advice and our own .INC application, the objectives themselves are

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very much aligned. However, should the ICANN Board decide to adopt the three additional safeguards for “corporate identifiers”, GMO Registry is willing to consider any necessary action including an application change request, or the adoption of PIC specifications. Finally we would remind the ICANN Board that the Applicant Guidebook specifies that “the receipt of GAC advice will not toll the processing of any application”, and also notes that there are multiple applicants for .INC and asks that any processes adopted to incorporate this advice does not delay the processing of our applications and is implemented in a way that is fair to all applicants.