

GAC Advice Response Form for Applicants



The Government 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	Medistry LLC
Applicant ID	1-907-38758
Applied for TLD (string)	.MED

Response:

GAC Communiqué –Beijing, People’s Republic of China

- Under Annex 1, Category 1, the GAC advises 5 safeguards to apply to particular categories of new gTLD’s.
- The GAC labels “Health and Fitness” as one such category.
- The GAC has named the string .MED within the Health and Fitness category.

On behalf of Medistry LLC, the new gTLD applicant for .MED (Applicant Number 1-907-38758), we are pleased to provide our response to the GAC advice received by the ICANN Board. Please find below the advice excerpts from the GAC with our response immediately following:

GAC Advice: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.

Our Response: We agree with this GAC advice in principle. The Cleveland Clinic (“Cleveland Clinic”), founded in 1921 and headquartered in Cleveland Ohio, today is a \$6 billion international medical center with 2,000+ doctors, offering world-

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class hospital and outpatient care in virtually every medical specialty. Ranked each year as one of the top four hospital systems in the United States, the Cleveland Clinic is recognized for its achievements in demonstrating unusually high expertise across multiple medical and healthcare related specialties.

The Cleveland Clinic is consistently ranked by the *US News and World Report* annual report of “Best Hospitals” in numerous areas of medical specialty, including rankings of number 1 in Cardiology and Heart Surgery; number 2 in Nephrology; number 2 in Urology; number 2 in Gastroenterology; number 3 in Rheumatology; number 3 in Pulmonology; number 4 in Orthopedics; number 4 in Cardiology; number 5 in Diabetes and Endocrinology; number 6 in Neurology and Neurosurgery; number 7 in Geriatrics; number 7 in Pediatrics: Neurology and Neurosurgery; and number 9 in Cancer.

The mission of the Cleveland Clinic, a nonprofit multispecialty academic medical center, is to integrate clinical and hospital care with research and education. This mission scales worldwide in its application. Under the stewardship of the Cleveland Clinic, the .MED gTLD will aim to serve as a source identifier that accomplishes integrating clinical and hospital care with research and education in a digital world, providing a global trusted name space wherein users can come to find trusted sources for medical information. As we state in response to Question 18: “People have come to trust the care, research and education provided by the Cleveland Clinic.”

The mission/purpose of .MED is to perform as a new gTLD consistently with the standards of applicable laws, to which Cleveland Clinic’s scalable mission also subscribes. The Cleveland Clinic firmly believes that establishment of a .MED top-level domain, imbued with the principles established by the Cleveland Clinic, will promote competition, consumer trust and consumer choice within the global structure of applicable law.

GAC Advice: Registry acceptable use policy must require 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), fair lending, debt collection, organic farming, disclosure of data, and financial disclosures.

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Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws.

GAC Advice: Registry operators will require registrars at the time of registration to notify registrants of the acceptable use policy.

Our Response: We agree. Registrars accredited in .MED will be required in the registry/registrar agreement to notify registrants of the .MED acceptable use policy at the time of registration, which may be modified from time to time such as in the event of any changes to applicable laws.

GAC Advice: Registry Operators will require 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.

Our Response: We agree. All registrants of .MED domain names who collect and maintain sensitive health and/or financial data will be required to implement reasonable and appropriate security measures commensurate with the offering of those services, as defined by applicable law and recognized industry standards.

GAC Advice: Establish a working relationship with the relevant regulatory, or industry self-regulatory, body including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.

Our Response: We agree. Developing a strategy for .MED to mitigate as much as possible the risks of fraudulent and other illegal activities is consistent with the purpose of compliance with applicable law. To this end, as an established and world re-known medical institution, the Cleveland Clinic has established working relationships with numerous relevant governmental and industry regulatory bodies.

GAC Advice: Registrants must be required by the registry operator to provide a single point-of-contact 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.

Our Response: We agree. As provided for in our response to Question 28: “If you believe that a .MED domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint.”

GAC Advice: At the time of registration the registry operator must verify and validate the registrants’ authorizations, charters, licenses and/or other credentials for participation.

Our Response: We agree. As stated in response to Question 18, “Towards fulfilling this mission/purpose, domain registrations in .MED will not be real-time, but instead will be allocated by Requests for Proposals (RFPs) only. RFP applicants will at minimum be required to set forth their qualifications to integrate clinical and hospital care with research and education...” This approach to registration in .MED is consistent with the advice “to verify and validate the registrants’ authorizations, charters, licenses and/or other credentials for participation” at the time of registration.

GAC Advice: In case of doubt with regard to authenticity of licenses or credentials, registry operator should consult with relevant national supervisory authorities, or other equivalents.

Our Response: We agree. In the case of doubt with regard to authenticity of licenses or credentials, Medistry (registry operator) should consult with relevant national supervisory authorities, or other equivalents. Working closely with the Cleveland Clinic provides Medistry with a credible resource to seek such consultation.

GAC Advice: Registry operator must conduct periodic, post-registration checks 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.

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Our Response: We agree in principle. Medistry (registry operator) will conduct periodic, post-registration checks of any applicable licensing requirements originally permitting registration and that those permitted registration are generally conducting their activities in the interests of the consumers they serve while continuing to conform to appropriate applicable regulations.

GAC Advice, Restricted Access: As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under Category 1. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

Our Response: We agree. As we state in response to Question 18: “It is Medistry’s intent to operate .MED as a restricted gTLD, at least as compared to open, unrestricted TLD’s such as .com and .net, consistent with its stated mission/purpose and employing the registration and use restrictions set forth herein and as promulgated by the Cleveland Clinic from time to time. The restricted nature of the gTLD, along with allocation via RFP, will help eliminate or minimize social costs, as registrants will be limited to individuals or entities which have been vetted by the Cleveland Clinic.” Further, the .MED gTLD implicates Cleveland Clinic’s internationally renowned reputation, further minimizing or eliminating social costs as compared to users/operators of unrestricted gTLD’s, which have no such reputations to protect.

Consistent with this advice by the GAC for restricted access for strings cited under Category 1, all domains in the .MED gTLD will be allocated by RFP at the sole discretion of the Cleveland Clinic pursuant to the mission/purpose of the gTLD. Consistent with this advice, we agree access to .MED should be administered in a transparent way, as we’ve described, that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars to an undue disadvantage.

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GAC Advice, Exclusive Access: For strings representing generic terms, exclusive registry access should serve a public interest goal.

Our Response: We agree. The Cleveland Clinic is unquestionably recognized and associated with trust and professionalism in the provision of care, research and education in the medical field. Extending this trust and professionalism to the operation and registration policies of the .MED gTLD, as captured by the mission of the Cleveland Clinic and stated purpose of the .MED gTLD, is for serving a public interest goal.

The GAC's Six safeguards for all new gTLDs:

GAC Advice, WHOIS verification and checks: Registry Operators 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 per year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators 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.

Our Response: We agree in principle.

GAC Advice, Mitigating abusive activity: Registry operators 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.

Our Response: We agree. As stated in response to Question 28: "Abuse" or "abusive use" of a .MED domain name also includes violation or breach of any policies or rules regarding registration and/or use of .MED domains as set forth by the Cleveland Clinic.

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GAC Advice, Security checks: While respecting privacy and confidentiality, Registry operators 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 Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.

Our Response: We agree. Additionally, we note numerous products and services are being introduced to the market place to help fulfill this need such as NameSentry (<http://architelos.com/services/namesentry/>). We confirm the registry will suspend .MED domain names found to perpetrate security threats if registrars won't.

GAC Advice, Documentation: Registry operators 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. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.

Our Response: We agree in principle.

GAC Advice, Making and Handling Complaints: Registry operators will ensure that there is a mechanism for making complaints to the registry operator 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.

Our Response: We agree. As we state in response to Question 28: "If you believe that a .MED domain name is or has been involved in abusive conduct, please contact our Abuse Prevention Manager at <email address> or <written address> with your complaint." A similar complaint mechanism can be established for making complaints to the registry operator about inaccurate WHOIS information

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and/or domains being used for malicious activity or perpetuating security risks as the case may be.

GAC Advice, Consequences: Consistent with applicable law and any related procedures, registry operators 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 conditions should include suspension of the domain name.

Our Response: We agree. Providing false information and/or using a .MED domain name in breach of applicable law would result at minimum in the suspension of the domain name as this would violate any number of areas with regards to .MED registration policies, the mission of the Cleveland Clinic, and/or the purpose of the .MED gTLD. The practice of filtering all registrations in .MED by a Request for Proposal (RFP) process serves as a natural safeguard to false and/or illegal activity occurring in .MED.

ICANN may also use this response in any final summary, analysis, reporting, or decision-making that takes place as part of its public comment process originated by the New gTLD Board Committee located at <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>