

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	Dot Beauty LLC
Applicant ID	1-907-62211
Applied for TLD (string)	.CASINO

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 “Gambling” as one such category.
- The GAC has named the string .CASINO within the Gambling category.

On behalf of Dot Beauty LLC, the new gTLD applicant for .CASINO (Applicant Number 1-907-62211), 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 gaming industry is regulated. Applicable jurisdictional laws exist specific to casino operations and gaming. There is a level of implied trust from consumers when a government

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licensing environment is involved. Governments create Gaming Control Boards for the very reason of higher levels of risk associated with consumer harm.

We interpret this GAC advice to mean “casino” is not merely a generic term at the top level of the DNS hierarchy. Registration of a domain name at the second level in combination with .CASINO at the top level is what creates and sets forth a specific identity of the registrant to the public at large. Such an identity, when used in the context of gambling, has the effect of “casino” not being a generic term, but one a consumer presumes exists upon condition. Conditions are what imply a level of trust. Consistent with applicable laws, a business entity is not permitted to portray an identity to the public as a casino for gaming and wagering absent conditions placed upon it by a governmental licensing authority, such as a Gaming Commission.

The fact such conditions exist for casino operators is widely understood by the public at large and by the millions of consumers of casino products and services throughout the world. Such knowledge is what sets expectations for the implied level of trust consumers have in gaming operations today. Those that wish to benefit by being identified as a gaming operator accept these conditions. Domain name registrations in .CASINO produce such an identity. Consumers will naturally assume an identity in .CASINO means the entity posturing itself as a gaming operator has obtained proper governmental licensing credentials to offer gaming products and services. This assumption should be valid at all times.

In applying to ICANN for .CASINO, the Registry Operator faces the choice of either educating the global public at large that no such conditions exist for the registration of a .CASINO domain name (buyer beware) or taking on the responsibility of installing conditions into the registration process which serve to preserve consumer expectations and implied trust. A Registry Operator proposing to do neither for .CASINO is one that is willing to allow erosion of the public trust in the new gTLD program and the DNS in general which, in the case of .CASINO, increases the likelihood of consumer harm as a result. We believe this rationale captures the essence for the GAC specifically citing .CASINO with its Beijing advice to the ICANN Board, and we agree.

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As stated in our application to operate .CASINO and reinforced in our PIC specifications, all registrants of a .CASINO domain name MUST show “evidence, such as from a Gaming Commission, Gaming Control Board, or similarly-situated regulator, prior to registration, that the registrant is a governmentally licensed gaming operator in good standing”. This is coupled with a separate PIC specification which states “Real-time registration of .CASINO domain names will not be permitted”. Communications we have had with representatives of the GAC, such as in response to the Early Warning, has indicated this approach to registry operations of .CASINO allay their concerns.

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.

Our Response: We agree in principle. Registry acceptable use policy will require registrants to comply with all applicable laws. Additionally, we note that governmental licensing requirements for gaming naturally require compliance with all applicable laws, as provided for in this advice, generally including those that relate to privacy, data collection, consumer protection (including in relation to misleading and deceptive conduct). Further, as we state in response to Question 28: One of those public interest functions for a responsible domain name registry includes working towards the eradication of abusive domain name registrations, including, but not limited to, those resulting from:

- * illegal or fraudulent actions
- * spam
- * phishing
- * pharming
- * distribution of malware
- * fast flux hosting
- * botnets
- * distribution of child pornography
- * online sale or distribution of illegal pharmaceuticals"

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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 .CASINO will be required in the registry/registrar agreement to notify registrants of the .CASINO acceptable use policy at the time of registration.

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 in principle. Registry acceptable use policy will require registrants to comply with all applicable laws, as stated above, and all applicable recognized industry standards. Further, all registrants of .CASINO domain names must be a governmentally-licensed gaming operator in good standing thereby inherently responsible to implement reasonable and appropriate security measures commensurate with the offering of those services to the public as such governmental licensing status may require.

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. The inherent nature of how we have proposed to operate .CASINO is a strategy that will produce working relationships with the appropriate regulatory body, such as the applicable Gaming Commission or Gaming Control Board, since such licensing is required as evidence from the registrant prior to registration.

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 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.

GAC Advice: “In addition, some of the above strings may require further targeted safeguards, to address specific risks, and to bring registry policies in line with arrangements in place offline. In particular, a limited subset of the above strings are associated with market sectors which have clear and/or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions, and the additional safeguards below should apply to some of the strings in those sectors”.

Our response: As we state above, in order to establish an identity in .CASINO a government approved gaming license is an entry requirement to registration in .CASINO. This condition mirrors the practice shared by governments throughout the world, therefore in line with arrangements in place offline, that a gaming license is required in order to gain market entry to gaming operations to the public. It is this established practice in the offline world we are incorporating into registry operations of .CASINO. Specifically, our registry policy and contractual obligation, requires all registrants of a .CASINO domain name to provide “evidence of a gaming license from a Gaming Commission, Gaming Control Board, or similarly-situated regulator, prior to registration” in order to gain market entry on the Internet with a .CASINO identity. Operationally speaking, “real time registration of .CASINO domain names will not be permitted” so that evidence of a gaming license can be verified by the registry prior to accepting registration.

While admittedly a highly restrictive approach to registration, perfectly permissible by the rules of the Guidebook, translating established practices from the offline world to the registration process of domain names where possible and practical offers separation and innovation for the Registry Operator. While not specifically cited by the GAC as rationale in its Beijing Communique, the GAC has stated innovation by registry operators is a public interest goal of gTLD expansion to be later evaluated. Where the GAC has cited specific strings for the need of additional safeguards, such as the case for .CASINO, offers the ICANN Board and community the opportunity to consider those applicants that have proposed innovative solutions to potential public policy concerns.

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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 provided for in our PIC Specification 3: "Evidence, such as from a Gaming Commission, Gaming Control Board or similarly-situated regulator, prior to registration, that the registrant is a governmentally-licensed gaming operator in good standing, will be required for all registrations." Registry operators which rely upon registrant self-certification at the time of registration, and/or post-verification of proper registrant authorizations, are not consistent with this GAC advice for .CASINO.

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. Operationally, the very purpose of not allowing real-time registration in .CASINO is to investigate, particularly in the case of doubt, the authenticity of a gaming license. We would, as the registry operator, naturally consult with the appropriate Gaming Commission or Gaming Control Board as the case may be, for the purpose of validating credentials in order to remove any doubt prior to permitting registration.

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.

Our Response: We agree. Periodic, post-registration checks of good standing with the appropriate governmental gaming authority (i.e. licensing issuing body) must be conducted. Our approach is that a gaming license in good standing means the designated governmental authority finds the licensed operator (and .CASINO registrant) conducting its activities in the interests of the consumers for which such licensing rights and privileges permit. This serves as a natural safeguard and a fundamental reason why we believe verifying evidence of licensing credentials is critical specific to the .CASINO gTLD as we have proposed.

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. The GAC has named the string .CASINO under Category 1, thus applicable to this advice. We interpret “restricted access” to mean restricted access to registration (different than a self-certification and/or post-verification model i.e. after the registry has allowed the registration). Our application for .CASINO provides for registration restrictions, prior to registration, appropriate for the types of risks associated as a condition of registration. This is to say the intent of our registration restrictions for .CASINO capture, by design, the intent of this GAC advice.

As the Registry Operator for .CASINO, we confirm our intent to administer access in .CASINO “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.” For example, the condition of providing evidence of a gaming license from a governmental authority in order to gain entry (registration) in .CASINO is a transparent way that does not give undue preference except to those able to meet this standard (thus the exception).

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

Our Response: We agree while also noting that our application for .CASINO does not propose exclusive registry access (but does propose restricted access as explained above). Registration in .CASINO, later used to promote gaming activities, signals to consumers licensing conditions have been met. This causes an identity in .CASINO to be descriptive.

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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.

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. We also note that abusive behavior will be naturally mitigated by the requirement that all .CASINO registrants must provide evidence of being a governmentally-licensed gaming operator in good standing. All registrants in .CASINO will share the motivation of not wanting to place their governmental gaming license at risk by improper behavior in .CASINO. This is a built-in safeguard for mitigating abusive behavior in .CASINO further minimizing or eliminating social costs as compared to operators proposing unrestricted access.

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.

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Our Response: We agree. As we state in response to Question 30: “Regular security audits by an accredited independent third party are commissioned to formally test & evaluate vulnerabilities & controls within the operations environment. Biannual internal security reviews are performed. The reviews emulate the evaluation performed in a security audit, but also provide detailed reviews of processes, procedures, & systems performance metrics.”

We confirm the registry will suspend .CASINO domain names found to perpetrate security threats if registrars won’t. We note the licensing credentials required to achieve registration in .CASINO will serve as a built-in safeguard to those motivated to gain entry in order to perpetrate security threats.

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. We note from our response to 26: We will offer searchability on the web-based Directory Service. We will offer partial match capabilities on the following fields: domain name, contacts and registrant’s name, and contact and registrant’s full postal address. We will offer exact match capabilities on the following fields: registrar ID, nameserver name, and nameserver’s IP address for in-zone hosts (glue records). Compiling statistical reports of this data for purposes of measuring accuracy can be maintained and provided to ICANN upon request.

Similarly, in response to Question 30, Security: The documentation that results from internal reviews & external [security] audits are securely archived, & these records can be made available for third parties with management approval.

GAC Advice, Mitigating 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,

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piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.

Our Response: We agree. We state in PIC Specification #5: “Registry Operator will provide a single point of contact responsible for addressing reports of registration abuse and to constructively work with law enforcement to address reported cases of registration abuse”. Such a complaint mechanism can be created specifically for inaccurate WHOIS information in a manner consistent with this GAC Advice.

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 .CASINO domain name in breach of applicable law would result at minimum the suspension of the domain name. We note the verification procedures as we have proposed along with the requirement of evidence of being a gaming operator in good standing by license from a governmental authority serve as natural safeguards to false and/or illegal activity occurring in .CASINO.

All responses provided above may be used by ICANN 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>