

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	Phys Biz Pty Ltd
Application ID	1-967-85854
Applied for TLD (string)	.physio

Response:

I wish to comment on the Governmental Advice Committee (GAC) Communiqué from Beijing, 11 April 2013; specifically, the information in Section IV 1 b and Annex I.

The GAC has identified a number of strings and labelled them category 1, on the basis that they “...are likely to invoke a level of implied trust from consumers and carry higher levels of risk associated with consumer harm”. Furthermore the GAC has identified some strings within category 1 that need to “...address specific risks and to bring their registry policies in line with arrangements in place offline.” The GAC proposed further targeted safeguards for these strings at points numbered 6, 7 and 8, such as

6. verification and validation of registrant’s authorisations, charters, licenses and/or other related credentials;
7. consultation with national supervisory authorities in cases of doubt with regard to authenticity of licenses or credentials; and
8. implementation of periodic post-registration checks to ensure registrants validity and compliance.

My applied-for string .physio was listed in the category 1 strings within the health and fitness subgroup. This subgroup group was also identified as one requiring the further targeted safeguards at points 6, 7 and 8. My comments on these points will be restricted to the physiotherapy profession and my experience with physiotherapist and health practitioner regulation in Australia and internationally, however I expect they may be extrapolated across all category 1 strings.

I believe the GAC’s proposed additional safeguards are simplistic and have the potential to be impractical and burdensome to the point of impacting upon the viability of the .physio gTLD. Furthermore I propose that there is no evidence to support the GAC’s position.

Modern governments have moved to regulate health professionals rather than health professions. That is, they protect the health professional's title, eg. 'physiotherapist', rather than what the health professional does, eg. 'physiotherapy'. Therefore any non-registered person may do 'physiotherapy' but only registered physiotherapists may hold themselves out to be a 'physiotherapist'. Subsequently, in jurisdictions where health regulation is present, in the main, only physiotherapists are registered. Yet the physiotherapy community is broader than just physiotherapists. This is recognised world wide by physiotherapy professional associations that actively encourage membership by students, assistants/aids and affiliates.

The physiotherapy community is also broader than individual persons. Hospitals, clinics, businesses, universities, colleges, associations and a myriad of goods and services industries supply, support and participate within the community. The people working in those organisations are not necessarily physiotherapists, yet they are a valuable part of, and contributor to, the physiotherapy community.

If the GAC advice at points 6, 7 and 8 were to be followed, great parts of the physiotherapy community would be excluded from participation in the .physio gTLD.

Physiotherapists work in jurisdictions with a broad range of regulatory approaches, including government regulation, self regulation, quasi-regulation, co-regulation and no regulation. Verification, consultation and post-registration checks may be impossible to do in some jurisdictions as they may be no "national supervisory authority" with whom to consult. Are these physiotherapists to be excluded?

In contrast, the number of jurisdictions that do have physiotherapist regulation is great, for example, the United States of America and Canada have separate regulatory authorities for every state, province and territory. Communicating with each authority would create costs and delays that would severely diminish the ease with which potential registrants could register their second level domain names; to the point of making the .physio gTLD unviable. Furthermore, as one of nearly 2,000 registries competing for the services of registrars it would be very difficult to be attractive if the safeguards proposed by the GAC were in place.

Finally, to date the term 'physio' has been used, unchecked, in domain names to the left of the dot without any evidence of "...higher levels of risk associated with consumer harm". The GAC is suggesting that by simply shifting the term 'physio' to the right of the dot the risk associated with consumer harm will be increased. I would propose that the development of the .physio gTLD will only reduce the risk of harm because there is now, at least, one checking authority that has a vested interest in maintaining the integrity of the term 'physio'.