

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 of the [GAC Durban Communique](#) 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 to the GAC Durban Communique must be received no later than 23:59:59 UTC on 23-August-2013.

Respondent:

Applicant Name	Reliance Industries Limited
Application ID	1-1308-78414
Applied for TLD (string)	Indians

Response:

[Reliance industries limited is the largest private sector enterprise in India and amongst the most valuable companies in the world. Our interests range from energy and textiles to retail and telecommunications. We are the only company in India to have applied for four gTLDs namely “.RIL”, “.Reliance”, “.Indians” and “.Jio”.](#)

[On 21st November 2012, we received a GAC Early Warning \(EW\) regarding the “.Indians” application on behalf of Government of India \(GOI\). Since then we have been discussing the matter with GOI, Department of Electronics and Information technology India \(Deity\) officials and GAC representatives from India. After multiple rounds of discussion, on 5th May 2013, we submitted a declaration with the aim to alleviate GOI’s concerns expressed in the EW, regarding sovereignty, security and operations of the “.Indians” gTLD.](#)

[As recommended by the government of India, we have given a declaration that “.Indians” gTLD will follow the same operating principles as are set out by the government body, National Exchange of India \(NIXI\) for the “.IN” ccTLD. Also, a committee will be setup constituting of nominated GOI officials amongst other prominent members who will vet and audit the policies and practices of the “.Indians” TLD to ensure that they are in the best interest of Indians globally.](#)

[The declaration is available in Annexure A of this letter.](#)

On 11th July 2013, on request of Deity, we made a presentation to a wider group at their offices regarding our “.Indians” application and were given to understand that there will be no official action against our application.

Hence, we were surprised to receive the GAC Communiqué on the 18th July 2013 which states that;

“The GAC has noted the concerns expressed by the Government of India not to proceed with the applications for .indians and .ram”

As is evident, the GAC Communiqué does not clarify GAC’s stance on our application, neither does it articulate if this communiqué is to be treated as an official GAC advice against our application for “.Indians” or not.

For other applications mentioned in GAC Communiqué, GAC has clearly indicated its consideration to either ‘Object’ (e.g. thai), ‘Not object’ (e.g. date) or has asked for more time to consider the application (e.g. vine and wine). For “.Indians” application no such consideration has been provided.

We have recently received notification from ICANN requesting us to provide our reply to the GAC advice by the 23rd August 2013, but no more information has been provided as to the exact nature and the reason for the GAC advice.

Till date we have not received any communication from GAC, GOI, Deity or the Indian GAC representatives explaining the reason for the GAC advice even though all points highlighted in the EW have been addressed by us in the declaration submitted to the GOI on 5th May 2013.

We seek your assistance to

- 1) Intervene in the matter and provide us with more information which explains the reason for the GAC communiqué and the clear stance of GAC on our application.
- 2) Grant us an extension of one month on the 23rd August deadline to submit our response to the ICANN board so that we can discuss the matter with the government in detail and come to an agreement.

We believe that “.Indians” gTLD will be a major force in the development of internet and growth of domains in India. It will bring the much needed focus on domain ownership and the role of domains and website in growth and development of businesses.

We are committed to bring this domain to India and Indians and request your assistance to make it a possibility.

A copy of this letter has been sent to Mr. Steve Crocker and Mr. Fadi Chehade via e-mail on 14th August 2013.

Vivek V Goyal 8/19/13 5:29 PM
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Annexure A

Declaration towards the operations of ".Indians" gTLD

RIL, the Company, has made an application to Internet Corporation for Assigned Names & Numbers (hereinafter called "ICANN") for allotment of gTLD ".INDIANS" in accordance with the guidelines issued by ICANN under the new gTLD program. To ensure that this TLD, if allocated to RIL, is run to satisfy the concerns of the GOI, hereby undertakes/affirms the following:

- a) The Company agrees that it shall not promote, participate, facilitate or deal in any manner whatsoever, whether directly or in-directly, in generating spam/unsolicited content.
- b) The Company shall comply with the laws, rules and administrative regulations of the Indian Governmental agencies concerning the Internet.
- c) The Company shall abide by the applicable Indian Laws, including but not limited, to the Information Technology Act, 2008, as is amended from time to time.
- d) The Company shall always adhere to the guidelines issued by concerned law enforcement authorities, including but not limited to the recommendations released by CERT-IN.
- e) The Company shall carry out periodic risk assessment and prepare security plan and security control measures as per the guidelines/standards of CERT-IN and will use CERT-IN approved third party agencies for carrying out assessments under specific contract and pre-determined rules of engagement.
- f) The Company shall carry out the application of the gTLD '.INDIANS' as per the policy and frame work of ICANN regarding Internet Protocol (IP) address space allocation, protocol identifier assignment, generic (gTLD) and country code (ccTLD) Top-Level Domain name system management, and root server system management functions.
- g) The Company shall set-out policy for application of the gTLD ".INDIANS" which shall be similar to that of ".IN" ccTLD as are set out by Government of India (GoI) from time to time including the following:
 - a. A single point of contact in the Company will be provided for all queries and requests coming from GOI and the contact details of the same will be communicated to the GOI upon any change

- b. Instructions received from the GOI will be executed within 5 work days after the confirmed receipt of the instructions.
 - c. Subsequent to this action, if the instruction is to block/delete a domain, the same shall be executed within 5 work days after the confirmed receipt of the instructions
 - d. The Company, as per the policies of “.IN” will neither allow privacy protection nor any proxy/private registrations on the “.Indians” registry.

- h) The Company shall formulate a committee that constitutes nominated GoI officials amongst other members which will vet and audit the policies and practices of the “.Indians” TLD.

- i) The company agrees that the Registration Policy it sets out for its registrars and registrants shall not permit any content that is in violation to Indian laws on the domains registered under the “.Indians” TLD and that all 2nd level domains be used only for lawful purposes and shall, in no way, be used or cause to be used for any unlawful or illegal purpose or for any purpose which is against the laws of republic of India.

- j) The Company shall keep a check, on ad-hoc basis, on the contents published under the TLD “.INDIANS” and if it is found that any abusive content is published the company shall take all reasonable steps to block such content. Similarly the following illegal and fraudulent actions shall not be tolerated and the necessary action in this regard shall be taken:
 - a. **Spam,**
 - b. **Phishing,**
 - c. **Pharming**
 - d. **Willful distribution of malware:**
 - e. **Malicious fast-flux hosting:**
 - f. **Botnet command and control:**
 - g. **Publishing or transmitting child pornography**
 - h. **Illegal Access to Other Computers or Networks**

- k) In accordance with the prevailing laws and policies of the government a specific 2nd level registration could be suspended for a short/medium/permanent basis.

- l) In the event of any default/misuse of a 2nd level domain registered under “.Indians” TLD, the Company agrees to block/suspend/delete the said domain, till the default/misuse is rectified. In the event of failure to rectify the default/misuse, he Company shall commit to keeping the said domain blocked/suspended/deleted.

- m) Details of the registrants registered under the gTLD “.INDIANS” shall be provided to the concerned law enforcement authorities, as and when asked for.
- n) The Company shall reserve the same names for second level registration as are done for “.IN” TLD and any other names as are directed by ICANN so as to ensure that important or sensitive names cannot be registered.
- o) The Company has made an agreement with Net4 India Ltd (hereinafter called “Net4”), which is one of the largest registrars in India and a global Technical Service Provider (TSP), for providing technical assistance to the Company.
- p) Net4 further has a global agreement to use the Shared Registry System (SRS), Distributed DNS System, DDoS Protection system, Disaster recovery system etc, with Afilias LLC, the TSP of “.IN” TLD.
- q) Net4 will also provide distributed DNS system in minimum 4 cities within India for stability and business expansion.
- r) Net4 will provide the required platform for registrant and registration system.
- s) The Company commits to other required technical conditions as stipulated by ICANN, which includes protection of data and information through a data escrow account.
- t) The company wishes to acknowledge and accept the safeguard advice on new gTLDs meant for broad categories of strings as per GAC Communique at ICANN Beijing 2013, dated April 11th 2013. The Company will follow all regulatory and statutory guidelines issued by relevant authorities from time to time.
Presently the company agrees to the following safeguards and the manner in which they will be implemented.

 - a. The safeguards will be implemented in a manner that is fully respectful of human rights and fundamental freedoms as enshrined in international and, as appropriate, regional declarations, conventions, treaties and other legal instruments – including, but not limited to, the UN Universal Declaration of Human Rights.
 - b. The safeguards will respect all substantive and procedural laws under the applicable jurisdictions.
 - c. The safeguards will be operated in an open manner consistent with general principles of openness and non-discrimination.
 - d. WHOIS verification and checks — the company will conduct periodic checks to identify registrations in its gTLD with deliberately false, inaccurate or incomplete WHOIS data. The company will weigh the

sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. The Company 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.

- e. Mitigating abusive activity—The Company 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.
- f. Security checks— While respecting privacy and confidentiality, The Company 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 the Company identifies security risks that pose an actual risk of harm, the Company will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.
- g. Documentation—The Company will maintain 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. The Company will maintain these reports for the agreed contracted period and provide them to ICANN upon request in connection with contractual obligations.
- h. Making and Handling Complaints – The Company will ensure that there is a mechanism for making complaints to the Company 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 otherwise engaging in activity contrary to applicable law.
- i. Consequences – Consistent with applicable law and any related procedures, the Company 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 consequences should include suspension of the domain name.