

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 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 to the GAC Durban Communiqué must be received no later than 23:59:59 UTC on 23-August-2013.

Respondent:

Applicant Name	June Station, LLC
Application ID	1-1515-14214
Applied for TLD (string)	.WINE
Applicant Name	Holly Shadow, LLC
Application ID	1-1538-23177
Applied for TLD (string)	.VIN

Response:

Donuts has put measures in place beyond those required by the Applicant Guidebook (AGB) and the Registry Agreement in order to protect the legitimate interests of those who have voiced a concern in the operation of the .WINE and .VIN gTLDs. As Donuts has complied with all AGB criteria and has committed to additional protections, Donuts requests that the TLDs be delayed no further, and released for delegation. If deliberations between the Board and GAC are to occur on this issue, Donuts wishes to be consulted and invited to participate in such discussions.

Donuts of course is aware of GAC attention to .WINE and .VIN and the interests of governments surrounding geographical indicators (GIs). Donuts is further aware that the gTLD AGB does not include provisions protecting GIs as they relate to wine and spirit production, just as is the case in existing gTLDs and ccTLDs.

However, as the applicant for a wide and varied set of gTLDs, including .WINE and .VIN, Donuts is concerned about the potential for abusive use of registrations in our gTLDs. As such, our company strongly supports the public interest commitments (PICs) advocated by the GAC, which included:

- As a registry operator, using only ICANN accredited registrars that are party to the 2013 Registrar Accreditation Agreement, as approved by the ICANN Board of Directors;

- A provision in registration agreements prohibiting registrants from activity contrary to applicable law, and providing consequences for such activities, including suspension of the name; and
- Conducting technical analyses to assess security threats, including phishing, pharming, malware and botnets, and maintaining timely reports on such threats.

Further, Donuts has taken steps to meet and exceed the already significant protection mechanisms required by the AGB. Our voluntary mechanisms include:

- Periodic audit of Whois data for accuracy;
- Remediation of inaccurate Whois data, including takedown, if warranted;
- A new Domain Protected Marks List (DPML) product for trademark protection;
- A new Claims Plus product for trademark protection;
- Terms of use that explicitly and strictly prohibit illegal or abusive activity;
- Limitations on domain proxy and privacy service;
- Published policies and procedures that define abusive activity; and
- Proper resourcing for all of the functions above.

We specifically highlight the following provisions of our PICs:

1. Open registration

Second-level registrations in this gTLD will be open and available to lawful registrants. This gTLD represents a generic or dictionary term, and registry operator accordingly will operate it in an inclusive manner. Registry Operator will not limit registrant eligibility based on identity nor restrict availability of second-level names to only registrants whose identity is associated only with the most common usage of the term. Registry Operator will not disenfranchise lawful users who are associated with a minority usage of the term.

And:

4.3 Registry Operator reserves the right, at its sole discretion and at any time and without limitation, to deny, suspend, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status as it determines necessary for any of the following reasons:

4.3.1 to protect the integrity and stability of the registry;

*4.3.2 to **comply with any applicable laws, government rules or requirements**, requests of law enforcement, or any dispute resolution process;*

Donuts is committed to maintaining an open Internet with no restrictions on lawful usage of generic terms. Donuts believes there should be non-discriminatory access to our gTLDs, and does not believe non-tariff trade barriers should be imposed.

However, please be advised that registrants will not be permitted to violate applicable law, which may include inappropriate usage of GIs or other relevant terms in second-level names. Donuts reserves rights as stated to mitigate such usage should we become aware of it.

We believe these protections, including those recommended by the GAC, are sufficient to protect the variety of interests of those who may have concerns about usage of certain terms. Accordingly, we have no current plans to amend our applications for these gTLDs. However, we would be pleased to consult with governments and others further on these matters so as to promptly address any issues that may arise, should we become the registry operator of these names. Moreover, we are open to discussion of further protections that are acceptable to all interested parties, and have so informed such parties. We are not, however, in active negotiations with any government or other party.

Donuts is aware the New gTLD Program Committee (NGPC) has begun deliberations on GAC Advice from the Durban meeting, and is developing a scorecard for organizing its reply. Donuts strongly urges the NGPC, the GAC and the ICANN staff to consult with the relevant applicants as a part of any deliberation process regarding any additional safeguards being considered before any decisions are taken and pronouncements are made.

Donuts welcomes any additional questions the GAC may have about these TLDs.