

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:

Application ID:	1-2055-15880
Entity/Applicant Name:	Chrysler Group LLC
String:	RAM

Response:

I. INTRODUCTION

Chrysler Group LLC (Chrysler), formed in 2009 to establish a global strategic alliance with Fiat S.p.A, produces Chrysler, Jeep, Dodge, Ram, Mopar, SRT and Fiat vehicles and products for sale in more than 150 countries around the world. Chrysler has applied to register .RAM as a restricted, exclusively-controlled generic Top Level Domain (gTLD). Chrysler’s application for the .RAM gTLD is part of a larger company initiative involving gTLD applications for several of its other brands, including “.Chrysler”, “.Jeep”, “.Dodge”, “.SRT”, “.Mopar” and “.Uconnect”. Through the registration of .RAM and these other gTLDs, Chrysler plans to achieve a number of significant business goals, including:

- Enhancing its digital presence and creating a personalized brand experience for customers and other business partners;
- Delivering product and service advertising;
- Enabling marketing campaign activation;
- Facilitating secure interaction and communications;
- Refining business operations;
- Simplifying Internet user navigation to information about Chrysler products and services;
- Demonstrating market leadership in protecting customer privacy and confidential information online; and
- Meeting future client expectations and competitive market demands.

Transitioning from the existing Internet namespace to these gTLDs is important to Chrysler’s future success.

The Government of India (sometimes referred to herein as the “Government”) has expressed religious concerns about Chrysler’s .RAM gTLD application because “Ram” also represents the name of an important deity worshipped in the Hindu religion. Currently, Chrysler does not, and has no plans to, sell any of its RAM brand vehicles in India, and thus the concerns stated by the Government are aimed at the use of a gTLD that Chrysler will use to market and sell its RAM brand vehicles in locations other than India.

Chrysler is in the business of selling automotive vehicles and parts. Ensuring that the public has a positive perception of the company and its brands is of paramount importance. Thus, Chrysler shares the Government of India’s desire to ensure that the .RAM gTLD will not be abused by registrants in a way that would be offensive to adherents of the Hindu religion, or any religion for that matter. Because Chrysler will administer .RAM as a restricted exclusively-controlled gTLD for a commercial, non-religious purpose, the company believes that there is little risk that religious or social issues will arise from Chrysler’s operation of the gTLD. Moreover, as discussed below, Chrysler has offered to take extra steps to diminish that possibility even further and to provide the Government with the means to promptly seek redress concerning any content it deems objectionable.

Chrysler has a long history of using the word “RAM” and the image or device of a charging ram animal or a ram animal head as trademarks in connection with its vehicles. For over 75 years, Chrysler has respectfully marketed and sold its RAM line of trucks and commercial vehicles in the global marketplace without negative or derogatory reference or impact to the Hindu religion or the Hindu deity, Ram, including in the United States, where over one million followers of Hinduism reside. To our knowledge, in that 75-plus year period, there have been no complaints about Chrysler’s RAM trademark causing offense to persons who practice the Hindu religion.

Given this history, and that the .RAM gTLD will be a restricted, exclusively-controlled registry closely monitored by Chrysler for a commercial, non-religious purpose, Chrysler does not anticipate that religious or social issues will arise from its operation of the gTLD.

Nevertheless, because it is Chrysler’s practice to be attentive to, and respectful of, religious and cultural sensitivities, Chrysler has made a concerted, good faith effort to address the Government’s stated concerns, travelling to New Delhi to meet with Indian officials, and diligently continuing to seek a mutually agreeable resolution of the matter. In its communications with the Government, Chrysler has offered to take additional steps to ensure that .RAM cannot and will not be abused by registrants and has committed to remain sensitive to Hindu religious issues – and all religious issues.

These additional steps include the following commitments by Chrysler:

- Chrysler would provide the Government of India with a contact within the company to alert in the event that the Government identifies content offensive to Hinduism on “.RAM.”
- Chrysler would take down content that both parties agree is objectionable within 48 hours of being notified in writing by India’s Joint Secretary, Department of Electronics and Information Technology, Ministry of Communications and Technology.

- Although Chrysler believes it is unlikely that there will be any disagreements over whether content on the .RAM gTLD is objectionable, Chrysler would agree to submit any such disagreements to the International Centre for Expertise of the International Chamber of Commerce, one of the administering institutions of ICANN's gTLD Dispute Resolution Procedure, to adjudicate whether the content is, in fact, objectionable to the extent that permanent take-down should be required.
- Chrysler would work with the Government of India to develop, and as necessary, update a non-exhaustive list of prohibited strings in order to address any religious or social issue associated with the Hindu religion that might arise due to the registration of a specific string.

Chrysler does not believe that any of these steps are required to satisfy ICANN's application process. The company further believes that even without undertaking them, it has met all of the gTLD application criteria. Nonetheless, it remains hopeful that an accommodation can be reached that addresses the Government's concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD.

In the event that such an accommodation cannot be reached, Chrysler respectfully requests that the ICANN Board, guided by the commitments in ICANN's governing documents, as well as the documents that govern this gTLD round, decide the matter in Chrysler's favor and allow its .RAM application to proceed.

II. BACKGROUND

A. Chrysler and Fiat and their Operations in India.

Chrysler Group LLC, formed in 2009 to establish a global strategic alliance with Fiat S.p.A, produces Chrysler, Jeep, Dodge, Ram, Mopar, SRT and Fiat vehicles and products for sale in more than 150 countries around the world. With the resources, technology and worldwide distribution network required to compete on a global scale, the alliance builds on Chrysler's culture of innovation, first established by Walter P. Chrysler in 1925, and Fiat's complementary technology, which dates back to its founding in 1899.

Headquartered in Auburn Hills, Michigan, USA, Chrysler's product lineup features some of the world's most recognizable vehicles, including the Chrysler 300 and Town & Country, Jeep Wrangler, Jeep Grand Cherokee SRT8, Dodge Dart, Ram 1500, and Fiat 500. Chrysler operates 34 manufacturing facilities in four countries and employs more than 70,000 people. Headquartered in Turin, Italy, Fiat contributes world-class technology, platforms and powertrains for small- and medium-size cars, allowing Chrysler to offer an expanded product line, including environmentally-friendly vehicles.

In India, Fiat Group Automobiles India Private Limited (FGAIPL) is a fully-owned subsidiary of Fiat Group Automobiles S.p.A., Italy. The company was incorporated in Mumbai, India in March 2012. It is currently selling the FIAT Linea and Punto models, which are manufactured by a Tata-Fiat joint venture located in Ranjangaon in the State of Maharashtra.

In December 2012, FGA IPL announced a series of initiatives aimed at strengthening its position in the Indian market. In the next few years, FGA IPL plans to launch nine new or significantly refreshed models under the Fiat and Jeep brands. FGA IPL plans to expand its dealer network from the current shared Tata-Fiat dealers to approximately 120 independent dealers by the end 2013. The company also plans to expand its domestic production to include the new Fiat Linea classic edition and the new Fiat Punto edition through the Tata-Fiat joint venture. (The joint venture also produces powertrains.)

Chrysler and Fiat's India operations also serve as an important hub with regards to vehicle design and development. The Fiat Chrysler Asia Pacific Tech Center in Chennai was originally established by Chrysler in 2007 to support the North American market. Since then, the Center has grown, allowing the companies to design, test and develop on a larger scale in support of projects for India, the Asia Pacific Region and around the world. It is Chrysler and Fiat's largest research and design center outside of Auburn Hills and Turin.

By the end of 2013, FGA IPL plans to have 100 direct employees in India. Additionally, the Fiat Chrysler Asia Pacific Tech Center employs roughly 1000 engineers. Through the Fiat/Tata joint venture and the FGA IPL dealership network, thousands more are indirectly employed.

For the purposes of this submission, and as stated above, it should be specifically noted that currently, there are no plans to sell any of Chrysler's RAM brand vehicles in India.

B. Chrysler and "RAM".

Chrysler has a long history of using the word "RAM" and the image or device of a charging ram animal or a ram animal head as trademarks in connection with its vehicles. In the 1930's, Chrysler began use of a charging ram animal as a three-dimensional hood ornament on the front of its trucks and continued to use modified forms of the charging ram animal trademark as a hood ornament on its vehicles into the 1980s. In 1979, Chrysler expanded its use and began using the word mark "RAM" on, and in connection with, its line of trucks and vehicles as a model name. In 1988, Chrysler also adopted the logo of a ram animal head, variations of which have been, and continue to be, prominently displayed on Chrysler's trucks and vehicles.

As the "RAM" brand has grown throughout the decades, the use of the ram animal head logo has also increased and today it is featured prominently in the RAM brand's advertising, marketing and promotional materials, as well as on dealer signage, websites and social media outlets.

As a result, Chrysler's award-winning RAM brand vehicles are sold to and known to consumers internationally, and Chrysler currently owns trademark registrations protecting the word mark "RAM" and/or variations of its Ram's Head Logo in over 100 countries, including countries with Hindu populations, such as India and the United States.

C. Chrysler Applies to Register .RAM as a Restricted, Exclusively-Controlled gTLD.

On May 25, 2012, Chrysler applied to register .RAM as a restricted, exclusively-controlled gTLD. Chrysler's application for the .RAM gTLD is part of a larger company initiative involving gTLD applications for several of its other brands, including ".Chrysler", ".Jeep",

“.Dodge”, “.SRT”, “.Mopar” and “.Uconnect”. As a leading global manufacturer and distributor of vehicles, parts and accessories, transitioning from the existing Internet namespace to these gTLDs is important to Chrysler’s future success. The gTLDs, including .RAM, will enable Chrysler to communicate, interact and protect data in ways and under conditions that are not currently possible, thus allowing Chrysler to better meet future client expectations and competitive market demands.

As with all of these gTLDs, Chrysler confirmed in its application that .RAM will be restricted and exclusively controlled by Chrysler, and will not be commercially offered for registration to the general public. Only Chrysler, its affiliated entities and authorized business partners will be permitted to register second-level domains in the .RAM gTLD. In addition, Chrysler will only allow registration of second-level domains in .RAM for Chrysler business-related purposes, and only for a term of one to ten years. Registrants of second-level domains will also be required to show evidence of prior written authorization from an officer of Chrysler. Creating a secure, tightly controlled online environment is of utmost importance to Chrysler in operating .RAM.

As stated in its application,

Chrysler Group LLC seeks the proposed (.ram) gTLD as a restricted, exclusively-controlled gTLD for the purpose of expanding Chrysler Group LLC’s ability to:

- Create a connected digital presence and personalized brand experience for customers and other business partners;
- Deliver product and service marketing/advertising;
- Enable marketing campaign activation;
- Facilitate secure interaction and communication with individuals and entities with whom Chrysler Group LLC has a business relationship;
- Improve business operations;
- Simplify Internet user navigation to information about Chrysler Group LLC products and services;
- Demonstrate market leadership in protecting customer privacy and confidential information online; and
- Meet future client expectations and competitive market demands.¹

D. The Government of India Files an Early Warning Notice Concerning .RAM.

On November 20, 2012, the Government of India filed an Early Warning Notice concerning Chrysler’s .RAM gTLD application (the “Notice”). The Notice states:

Early Warning Description – This will be posted publicly:

Chrysler Group LLC is seeking to have exclusive use of the gTLD ‘ram’. RAM is a Deity worshiped in India and recognized globally as a widely worshiped God/Lord.

¹ <https://gtdresult.icann.org/application-result/applicationstatus/applicationdetails/downloadapplication/77?t:ac=77>.

Reason/Rationale for the Warning – This will be posted publicly:

Ram is a deity worshipped in India, in the Hindu religion, with a large following. Ram is worshipped as a Hindu God and is the hero of one of the great epics of the country (India) – Ramayana – which is a globally famous work.

Under Indian Trade Mark Act Section 9(2) clearly mentions that a mark shall not be registered if it contains or comprises of any matter likely to hurt the religion susceptibilities of any class or section of the citizens of India.

As a result, and based on the provisions of the Indian Trade Mark Act, we believe that the gTLD string “ram” should be set aside by ICANN.

Possible Remediation steps for Applicant – This will be posted publicly:

1. The applicant should show how they will alleviate the religious and social issues that might arise from either the exclusive control of the name of an important deity by a corporation.
2. The applicant should demonstrate how they will ensure that names in the .RAM gTLD will not be abused by registrants, and will remain sensitive to the religious issues in the Hindu religion.²

E. Chrysler Seeks to Address the Government’s Concerns.

It is Chrysler’s practice to be attentive to, and respectful of, religious and cultural sensitivities. Chrysler wanted to assure the Government of India that there was little risk that the .RAM gTLD would contain content that would be offensive to people who observe the Hindu religion. Moreover, Chrysler wanted to assure the Government that it would take extra steps to eliminate any such possibility, and, in the unlikely event that the Government identified any content that it considered objectionable, to afford the Government the means to promptly seek redress concerning such content. Accordingly, Chrysler set to work on developing a proposal to achieve these goals.

On February 20, 2013, Chrysler shared a proposal with the Government, when senior Chrysler representatives traveled to New Delhi and met with India’s ICANN Government Advisory Committee representative, Dr. Ajay Kumar, Joint Secretary, Department of Electronics and Information Technology, Ministry of Communications and Information Technology, as well as member of Dr. Kumar’s staff. The meeting was constructive and Dr. Kumar and his staff offered guidance on how Chrysler’s proposal could be improved. It was agreed that Chrysler would revise the proposal based on the suggestions made by the Government at the meeting and share the revised proposal with Dr. Kumar and his staff to get additional feedback before finalizing it for the Government’s consideration.

² GAC Early Warning – Submittal_Ram---IN---15880
(<https://gacweb.icann.org/download/attachments/27131927/Ram-IN-15880.pdf?version=1&modificationDate=1353468780000&api=v2>).

On March 3, 2013, Chrysler sent a revised proposal via email to Dr. Kumar and his staff and solicited their further comments. Under the revised proposal, Chrysler reaffirmed its willingness to fulfill the applicable commitments previously reflected in its .RAM application and agreed to take significant additional measures to ensure that the .RAM gTLD would not be used in a way that would offend Hindu religious sensitivities.

Chrysler made the following commitments:

- Only Chrysler and its affiliated entities and authorized business partners would be permitted to register .RAM second-level domains, solely for Chrysler-related business purposes.
- Chrysler would provide the Government of India with a contact within the company to alert in the event that the Government identifies objectionable content on .RAM.
- Chrysler would take down content that both parties agree is objectionable within 48 hours of being notified in writing by India's Joint Secretary, Department of Electronics and Information Technology, Ministry of Communications and Technology.
- Although Chrysler believes it is unlikely that there will be any disagreements over whether content on the .RAM gTLD is objectionable, Chrysler would submit any such disagreements to the International Centre for Expertise of the International Chamber of Commerce, one of the administering institutions of ICANN's gTLD Dispute Resolution Procedure, to adjudicate whether the content was, in fact, objectionable to the extent that permanent take-down should be required.
- In addition to the ICANN-mandated prohibited strings for registration, Chrysler would also work with the Government of India to develop, and as necessary, update a non-exhaustive list of prohibited strings in order to address religious or social issues associated with the Hindu religion that might arise due to the registration of a specific string.
- Registrants seeking registrations for second-level domain names under .RAM would be required to present evidence in writing to accredited registrar(s) for the TLD demonstrating explicit authorization from an officer of Chrysler, listing the second-level domain names to be registered. This would protect against unauthorized registration within the TLD by unaffiliated third parties and would give Chrysler the authority to review and approve all strings within the .RAM gTLD.
- If second-level domain names were registered to Chrysler's business partners and/or affiliates that were not owned by Chrysler or its corporate parent company, registrants would be required to execute a registration agreement that incorporates all required ICANN consensus policies and other legal/policy requirements imposed on new gTLD applicants.

- Every second-level domain name registrant would be subject to additional terms and conditions under separate business partner and/or affiliate agreements with Chrysler. Such agreements would also restrict use of any .RAM domain name to promotion of the Ram brand and vehicles and prohibit use of the domain name in a way that may damage or diminish Chrysler's brand reputation, business relationships or other business interests. Further, such agreements would state that the "registrant shall not post or host content on their website offensive to the Hindu religion."
- Failure to comply with the terms of the registration agreement, business partner and/or affiliate agreement would result in the prompt suspension, deactivation, and/or termination and deletion of the second-level domain name associated with the offending content.

On March 8, 2013, Chrysler followed up via email with Dr. Kumar and his staff requesting their feedback concerning the revised proposal the company had sent on March 3, 2013.

On March 18, 2013, Chrysler again followed up via email with Dr. Kumar and his staff requesting their feedback. As the date of the GAC meeting in Beijing was approaching, in the March 18th email, Chrysler also notified Dr. Kumar that the company would be finalizing the proposal as well as their response to the Government of India's Early Warning Notice at the end of the week and hoped to receive the Government's comments before then. That evening, Dr. Kumar responded by email, indicating that they were reviewing Chrysler's proposal and would get back to the company as soon as possible.

F. Chrysler Formally Sends its Revised Proposal to the Government of India and Files its Response to the Early Warning Notice.

On March 28, 2013, having received no further response from the Government of India to the March 3, 2013 revised proposal and understanding that the ICANN Government Affairs Committee (GAC) meeting in Beijing was the deadline for the filing of concerns regarding gTLD applications, Chrysler formally shared its revised proposal with the Government of India and filed its response to the Notice with the GAC.

G. The Government of India does not Express Concerns Regarding .RAM at the GAC Meeting in Beijing.

At the ICANN GAC meeting in Beijing, the Government of India did not raise any concerns with Chrysler's .RAM gTLD application. Moreover, Chrysler has never received a direct substantive communication from the Government responding to the revised proposal that it first shared on March 3, 2013.

H. The Government of India's Inter-Ministerial Group Considers the .RAM gTLD Application.

On July 10, 2013, the Government invited Chrysler to attend a meeting of the Inter-Ministerial Group to be held in New Delhi to discuss the issues raised in the Early Warning Notice. While Chrysler appreciated the invitation to meet with the Government and discuss its gTLD

application, unfortunately, as the meeting was scheduled to take place the next day, July 11, 2013, and the Chrysler representatives handling the .RAM matter were based in the United States, the company was unable to attend.

In informing the Government that it would not be able to attend the meeting on such short notice, Chrysler again shared its March 3, 2013 revised proposal, outlining the commitments that it was willing to undertake to ensure that .RAM gTLD content would not offend Hindu religious sensitivities. The company also expressed its continued hope that an accommodation could be reached that addresses the Government's concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD.

I. The Government of India Formally Expresses its Concerns Regarding .RAM.

On July 15, 2013, the Government of India sent the following letter to the GAC Chairman, Heather Dryden:

Dear Ms. Heather,

Kind reference is invited to the applications for **.Indians** submitted by M/s. Reliance Industries Ltd. and **.RAM** submitted by M/s. Chrysler LLC. In this regard Deity, Government of India objected to the string as part of early warning system in November, 2012. Further discussions have been held with the applicants of these gTLDs. The arguments offered by these applicants were considered in detail.

2. Government of India continues to be of the view that **.Indians** and **.RAM** needs to be rejected. It is felt that **.Indians** with its similarity with **.IN** ccTLD is likely to be misinterpreted and it may give misleading connotation to others. Further **.RAM** as a gTLD will have a lot of religious sensitivity attached to it in India, where millions of people worship RAM as main deity. Any misuse of the domain name will have far reaching social and religious repercussions in the country.

3. In view of the above, Department of Electronics and Information Technology, Government of India reiterates its earlier stance of rejection of **.Indians** and **.RAM** strings applied by M/s. **Reliance Industries Ltd** and M/s. **Chrysler LLC**, USA respectively by ICANN. We request that this may be informed to ICANN.

On July 17, 2013, during the GAC plenary session at the ICANN Meeting in Durban, the Government of India stated its concerns regarding .RAM:

Thank you, Chair. Let me introduce myself. This is my first intervention at the GAC. I'm Ajay Kumar, representing government of India, and I would request the indulgence of the GAC plenary to consider a request which India has with respect to a couple of strings. These strings we had actually issued our early warning way back as per the time schedule and we had also engaged in the process of dialogue

and interaction with the applicants with respect to these strings. And we were happy to work with them and to come out at an amicable solution. Unfortunately, however, while the discussions were going on and we were under the impression that we would be able to achieve a resolution, things have reached a situation where I don't think we have been able to reach a situation where we can agree to these gTLDs. I know this is beyond the deadline, but the request that I have for GAC's consideration is these two gTLDs, one is .Indians which is very close to the ccTLD for India and the other one .Ram which is the biggest Hindu deity in India for the biggest chunk of population in the country. Both of them have very serious concerns within the country. This matter has been considered in our government both with various stakeholders as well as with various ministries of the government and we realize that it is difficult for us to agree to these gTLDs. I understand that we are actually behind time and GAC has been proceeding and we greatly appreciate the great work which GAC has been doing, but the fact of the matter is that if we were to ignore the objections that we have today, we actually have a situation which will need to be addressed and, therefore, I think considering the large number of people who are expressing the concerns with respect to these application, the GAC may deliberate and find out a way to resolve these objections. We cannot have a process really which would lead to a situation which creates -- leads to a problem. I mean the whole process through which the GAC has been going on over the last so many months has been to find out a way by which the gTLD process can proceed smoothly as well as we are able to find -- address the genuine concerns of the governments. And here we are in a situation, despite our best efforts, despite the interactions we have had at different times with the applicants, we have not been able to resolve. So I think given the magnitude of the problem and the sensitivities conveyed at the highest levels from the government of India, we would request the GAC to kindly consider taking this matter and raising it along with the rest of 14 strings that have been included in the short list, the Beijing communiqué. Thank you.³

J. The Durban Communiqué Notes India's Concerns.

The Durban communiqué states:

.indians and .ram

a. The GAC Advises the ICANN Board that:

- i. The GAC has noted the concerns expressed by the Government of India not to proceed with the applications for .indians and .ram.⁴

³https://icann.adobeconnect.com/_a819976787/p2y1517vnt2/?launcher=false&fcsContent=true&pbMode=normal, 28 min., 53 seconds.

⁴ Section IV(1)(4)(a)(i) of the GAC communiqué – Durban, South Africa (July 17, 2013).
https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Communique_Durban_20130717.pdf?version=1&modificationDate=1374215119858&api=v2

K. Chrysler is Notified that the Company has until August 23rd to Respond to the GAC Advice Reflected in the Durban Communiqué.

On August 1, 2013, ICANN posted the following notice on its website:

GAC ADVICE ON NEW GTLDS ISSUED AFTER ICANN 47 DURBAN

01 August 2013

The Governmental Advisory Committee (GAC) has issued a second round of advice to the ICANN Board of Directors regarding New gTLD applications in the GAC Durban Communiqué.

[Review the GAC Durban Communiqué \[PDF, 104 KB\] »](#)

Per Section 3.1 of the Applicant Guidebook, applicants have 21 calendar days from this publication date to submit a response to the ICANN Board. Applicants subject to the advice will be notified directly by the New gTLD Customer Service Center and will receive instructions for submitting a response. Applicant responses to the ICANN Board should be submitted to the Customer Service Center no later than 23:59:59 UTC on 23 August 2013. ICANN will publish applicant responses and provide them to the Board.⁵

On August 1, 2013, Chrysler also received the following message from New gTLD Customer Service:

This is a courtesy notification regarding the recently published the GAC Advice on New gTLDs Issued After ICANN 47 Durban announcement. Please read this announcement, which serves as formal notice to applicants of GAC advice and begins the 21-day applicant response window. Please submit responses using the GAC Advice-Applicant Response form to the Customer Service Center by 23:59:59 UTC on 23 August 2013.

L. Chrysler Contacts the Government of India and Reiterates its Desire to Resolve the .RAM gTLD Matter on Mutually Agreeable Terms.

On August 2, 2013, Chrysler emailed Dr. Kumar to notify him that the company would be responding to the GAC advice by the August 23, 2013 deadline. Chrysler reiterated its interest in resolving the .RAM gTLD matter in a way that addresses India's concerns, yet allows the company to register the gTLD and use it to advance its legitimate business purposes. Noting that Chrysler is sensitive to religious concerns and committed to ensuring that the .RAM gTLD registry is not abused, Chrysler shared another copy of its March 3, 2013 revised proposal reflecting the commitments the company would be willing to make to ensure that content on the restricted exclusively-controlled gTLD would not offend followers of the Hindu religion, and

⁵ <http://newgtlds.icann.org/en/announcements-and-media/announcement-01aug13-en>.

which, again, reflected the comments that Chrysler had received from Dr. Kumar and his staff at the February 20, 2013 meeting in New Delhi. Chrysler offered to discuss Dr. Kumar's views on the March 3, 2013 revised proposal at his convenience. As of the date of the filing of this response to the GAC advice reflected in the Durban communiqué, Chrysler has received no response to its offer.

M. .RAM Passes its Initial Evaluation.

On August 2, 2013, Chrysler was notified that .RAM had passed its initial evaluation:

Congratulations!

Based on the review of your application against the relevant criteria in the Applicant Guidebook (including related supplemental notes and advisories), your application has passed Initial Evaluation.⁶

III. CHRYSLER'S RESPONSE TO THE GAC ADVICE.

A. It would be Contrary to Chrysler's Business Objectives to Allow the .RAM gTLD to be Used in a Way that would Offend Potential Customers, Regardless of Race, Religion or Creed.

Chrysler is in the business of selling automotive vehicles and parts. Ensuring that the public has a positive perception of the company and its brands is of paramount importance. For over 75 years, Chrysler has respectfully marketed and sold its RAM line of trucks and commercial vehicles in the global marketplace without negative or derogatory reference or impact to the Hindu religion or the Hindu deity, Ram, including in the United States, where over one million followers of Hinduism reside. It would be contrary to Chrysler's business objectives to allow the .RAM gTLD to be used in a way that would offend any potential motor vehicle customer, regardless of race, religion or creed.

B. There is More than One Meaning of the Word "Ram".

While Chrysler has never sought to link its "RAM" brand to the Hindu deity, the company recognizes and respects that "Ram" represents the name of an important deity worshipped in the Hindu religion.

However, the word "ram" does not have an exclusive religious connotation. It also acts as a globally-recognized moniker for many other things, such as animals, people, teams/organizations, equipment, scientific concepts, acronyms and brands:

- **Animal**
 - Ram: a male sheep (<http://www.merriam-webster.com/dictionary/ram>)
- **Media/Entertainment**
 - Ram: a rock album released in 1971 by Paul and Linda McCartney

⁶ <http://newgtlds.icann.org/sites/default/files/ier/prl58h84sw2e09ia3rpz07es/ie-1-2055-15880-en.pdf>.

- [\(http://pitchfork.com/reviews/albums/16651-ram/\)](http://pitchfork.com/reviews/albums/16651-ram/)
 - Ram Records: an independent record label that focuses on dubstep and drum & bass music (<http://ramrecords.com/>)
 - RAM: a book publication and distribution company
<http://www.rampub.com/new-releases/>
 - RAM: a Haitian musical act (<https://twitter.com/RAMhaiti>)
 - RAM: a 1970s and 1980s Australian music magazine
<http://www.afka.net/mags/RAM.htm>)
 - Ram Trilogy: a drum & bass musical act
<http://www.discogs.com/artist/Ram+Trilogy>)
 - Ram: a fictional superhero who has appeared in various comic books published by DC Comics, including the Green Lantern series
<http://www.dcuguide.com/who.php?name=ram>)
- **Companies/Products**
 - RAM Mounts: a division of National Products Inc. that manufactures cradles for various devices including GPS displays, laptops, cell phones and PDAs
<http://www.rammount.com/>)
 - The Ram Restaurant and Brewery: a chain of restaurants in the United States
<http://www.theram.com/about.html>)
 - RAM: a company that manufactures various golf products, including clubs
<http://www.sportsauthority.com/family/index.jsp?categoryId=3146722>)
 - Ram: An affiliated group of realty companies and partnerships that acquire, develop, manage and finance retail and multifamily properties in the Southeastern region of the United States (<http://www.ramrealestate.com/>)
 - JP Ram Shipping: a Caribbean shipping company
<http://www.jpshipping.co.uk/Home>)
 - Ram Board: a protective temporary flooring product (<http://www.ramboard.com/>)
 - Ram Cycles: a bicycle store in Maryland (<http://www.ramcycles.net/>)
 - Ram Welding Supply: a welding supply company based in California
<http://www.ramweldingsupply.com/>)
 - RAM: an international media research company
<http://www2.rampanel.com/en/about/about-ram>)
- **Weaponry/Military**
 - (Battering) ram: an object used to batter down doors and walls
<http://dictionary.reference.com/browse/battering+ram>)
 - Ram: a warship with a heavy beak designed to pierce enemy ships
<http://www.merriam-webster.com/dictionary/ram>)
 - RAM (Rolling Airframe Missile): an infrared homing missile used by various militaries
http://www.navy.mil/navydata/fact_display.asp?cid=2200&tid=800&ct=2)
 - Ram tank: A Canadian tank used mostly for training purposes during World War II (<http://www.wiivehicles.com/canada/tank-medium/ram.asp>)

- **Sports**
 - St. Louis Rams: an NFL team from St. Louis, Missouri (<http://www.stlouisrams.com/>)
 - Dewsbury Rams: a Rugby League team from the UK (<http://www.dewsburyrams.co.uk/>)
 - Colorado State Rams: the sports teams of Colorado State University (<http://www.csurams.com/>)
 - Fordham Rams: the sports teams of Fordham University (<http://www.fordhamsports.com/>)
 - Framingham Rams: the sports teams of Framingham State University (<http://www.fsurams.com/landing/index>)
 - Rhode Island Rams: the sports teams of the University of Rhode Island (<http://www.gorhody.com/sports/m-footbl/index>)
 - Virginia Commonwealth University Rams: the sports teams of Virginia Commonwealth University (<http://vcuathletics.com/landing/index>)
 - Shepherd University Rams: the sports teams of Shepherd University (<http://www.shepherdrams.com/>)
 - West Chester University Golden Rams: the sports team of West Chester University (<http://www.wcupagoldenrams.com/>)

- **Astrology**
 - Ram: Zodiac symbol for the astrological sign Aries (<http://www.astrology.com/aries-sun-sign-zodiac-signs/2-d-d-66918>)

- **Science/Technology**
 - RAM: an acronym for random access memory, the most common type of memory found in computers (<http://www.merriam-webster.com/dictionary/random-access%20memory>)
 - Ram pressure: the difference between the observed scoop pressure in the inlet air system of an airplane engine and the atmospheric pressure (<http://www.merriam-webster.com/dictionary/ram%20pressure>)
 - .ram: a file extension for the RealAudio computer file format (<http://filext.com/file-extension/RAM>)

- **Other**
 - RAM: National Marine Fisheries Service's Restricted Access Management Program (<http://alaskafisheries.noaa.gov/ram/>)
 - RAM: The Remote Area Medical Volunteer Corps is a non-profit, volunteer, airborne relief corps dedicated to serving mankind by providing free health care, dental care, eye care, veterinary services, and technical and educational assistance to people in remote areas (<http://www.ramusa.org/about/mission.htm>)

- **Use as a Verb** (<http://www.merriam-webster.com/dictionary/ram>)
 - to strike with violence
 - to move with extreme rapidity

- to force in by or as if by driving
- to make compact (as by pounding)
- to cram or crowd
- to force passage or acceptance of

C. Because Chrysler will Administer .RAM as a Restricted Exclusively-Controlled gTLD for a Commercial, Non-Religious Purpose, There is Little Risk that Religious or Social Issues will Arise from Chrysler's Operation of the gTLD.

Only Chrysler and its affiliated entities and authorized business partners will be permitted to register second-level domains to the .RAM gTLD, and solely for Chrysler-related business purposes. Given that the .RAM gTLD will be a restricted exclusively-controlled registry closely monitored by the company for a commercial non-religious purpose, the company is confident that religious or social issues will not arise from Chrysler's operation of the gTLD.

In fact, Chrysler does not anticipate that .RAM will ever include content referencing the Hindu religion, let alone content that is offensive to followers of Hinduism.

However, in order to reduce the risk that religious or social issues might arise associated with content on the site and to ensure that timely and appropriate steps are taken should an issue arise, Chrysler has offered to undertake meaningful, additional commitments.

D. Chrysler has Proposed to the Government of India to Undertake Meaningful, Additional Commitments to Ensure that .RAM will not be Abused by Registrants.

Chrysler has offered to undertake a number of significant commitments, beyond those required of all gTLD registrants, to ensure that .RAM will not be abused by registrants, and in the unlikely event that such abuse does occur, to ensure that the offending content is quickly removed.

These commitments include:

- Chrysler would provide the Government of India with a contact within the company to alert in the event that the Government identifies such content on .RAM.
- Chrysler would take down content that both parties agree is objectionable within 48 hours of being notified in writing by India's Joint Secretary, Department of Electronics and Information Technology, Ministry of Communications and Technology,.
- Although Chrysler believes it is unlikely that there will be any disagreements over whether content on the .RAM gTLD is objectionable, Chrysler would submit any such disagreements to the International Centre for Expertise of the International Chamber of Commerce, one of the administering institutions of ICANN's gTLD Dispute Resolution Procedure, to adjudicate whether the content was, in fact, objectionable to the extent that permanent take-down should be required.

- In addition to the ICANN-mandated prohibited strings for registration, Chrysler would work with the Government of India to develop, and as necessary, update a non-exhaustive list of prohibited strings in order to address religious or social issues associated with the Hindu religion that might arise due to the registration of a specific string.
- Chrysler would subject every second-level domain name registrant to additional terms and conditions under separate business partner and/or affiliate agreements with Chrysler. Such agreements will also restrict use of any .RAM domain name to promotion of the Ram brand and vehicles and prohibit use of the domain name in a way that may damage or diminish Chrysler's brand reputation, business relationships or other business interests. Further, such agreements shall state that "registrant shall not post or host content on their website offensive to the Hindu religion." Failure to comply with these agreements will result in the prompt suspension, deactivation, and/or termination and deletion of the second-level domain name associated with the offending content.

These commitments are in addition to the commitments Chrysler has made in its .RAM gTLD application, which include:

- Registrants who seek registrations for second-level domain names under .RAM will be required to present evidence in writing to accredited registrar(s) for the TLD demonstrating explicit authorization from an officer of Chrysler, listing the second-level domain names to be registered. This will protect against unauthorized registration within the TLD by unaffiliated third parties and will give Chrysler the authority to review and approve all strings within the .RAM gTLD.
- If second-level domain names are registered to Chrysler's business partners and/or affiliates that are not owned by Chrysler or its corporate parent company, registrants will be required to execute a registration agreement that incorporates all required ICANN consensus policies and other legal/policy requirements imposed on new gTLD applicants. Again, failure to comply with this agreement will result in the prompt suspension, deactivation, and/or termination and deletion of the second-level domain name associated with the offending content.

Chrysler has offered to make these commitments to address the Government of India's concerns because the company shares the Government's desire to ensure that the .RAM gTLD will not be abused by registrants in a way that would be offensive to adherents of the Hindu religion, or any other religion. (Chrysler notes that it has offered to make these commitments despite the fact that Chrysler has no current plans to market RAM products in India, and as such, the Indian Trade Mark Act should not apply to the .RAM application.) The extent of the commitments also reflect the seriousness with which Chrysler approaches this matter and our continued hope that an accommodation can be reached that addresses the Government of India's concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD.

E. Chrysler's .RAM gTLD Application Should be Allowed to Go Forward.

Chrysler's .RAM gTLD application meets all the applicable criteria, but as discussed above, Chrysler is willing to undertake additional commitments not required by ICANN and operate .RAM in a way that is attuned to the sensibilities of the Government of India.

Taking these factors into consideration and guided by the commitments in ICANN's governing documents, as well as the documents that govern this gTLD round, Chrysler respectfully requests that the Board decide the matter in Chrysler's favor and allow its .RAM application to proceed.

Article 1, Section 1 of the ICANN bylaws states that ICANN's mission "is to coordinate, at the overall level, the global Internet's systems of unique identifiers, and in particular to ensure the stable and secure operation of the Internet's unique identifier systems."⁷

Article 1, Section 2 of the bylaws describes the core values that "should guide the decisions and actions of ICANN" as it carries out this mission, which include:

1. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.
2. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN's activities to those matters within ICANN's mission requiring or significantly benefiting from global coordination....
4. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making....
7. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.
8. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.
9. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected...⁸

Under Article II, Section 3, "NON-DISCRIMINATORY TREATMENT", the bylaws state that:

ICANN shall not apply its standards, policies, procedures, or practices inequitably or single out any particular party for disparate treatment unless justified by substantial and reasonable cause, such as the promotion of effective competition.⁹

⁷ ICANN Bylaws, Art. I, Sec. 1 (<http://www.icann.org/en/about/governance/bylaws>).

⁸ *Id.*, Art. I, Sec. 2.

Chrysler respectfully requests that ICANN's review of the concerns expressed by the Government of India be firmly grounded in these commitments to openness and transparency, neutrality and objectivity, integrity and fairness, and equity and non-discrimination.

F. Questions Concerning the ICANN Process.

Given the commitments in ICANN's governing documents, as well as the documents that govern this gTLD round, Chrysler was surprised to learn that the GAC communiqué noted the Government of India's concerns with regard to .RAM, when the deadline for raising such concerns had passed.

In mentioning this, Chrysler is not objecting to its obligation to submit its response to the ICANN Board by the August 23, 2013 deadline. Rather, it is merely observing that the GAC's decision to hear these concerns and to note them in the Durban communiqué could be perceived to indicate a flexibility that is contrary to the ICANN by-law commitments mentioned above.

Chrysler also notes that it has committed considerable resources to its gTLD applications, including its application for .RAM, and that its gTLD initiative is important to the company. And yet Chrysler has struggled to ascertain the procedure going forward with regard to the review of its application and the Government of India's concerns.

The company has questions concerning the process, timing and the manner in which the ICANN Board will be considering this matter, and the role, if any, of the GAC going forward.

Chrysler's specific questions include:

- What is the timing for the consideration of this matter by the ICANN Board? Is the issue expected to be taken up at the September 28, 2013 meeting? Will Chrysler and/or the Government have the opportunity to address the Board when it takes up this issue? Will there be any opportunities to meet with Board members and/or ICANN staff beforehand?
- If ICANN has *ex parte* communications with one party, will it share the substance of those communications with the other party?
- Will dialogue concerning this matter between the Board, the ICANN staff and the GAC take place? If so, when and where will such discussions occur? Will Chrysler and/or the Government be apprised of the substance of those discussions and have an opportunity to comment?
- Will the Board be consulting independent experts and if so, will Chrysler and/or the Government be apprised of whom these experts are and have an opportunity to review and comment on the views that the experts offer?

⁹ Id., Art. II, Sec. 3.

Additional guidance and clarity would help ensure that Chrysler will have a fair and reasonable opportunity to represent its interests in this matter.

IV. CONCLUSION

Chrysler is in the business of selling automotive vehicles and parts. Ensuring that the public has a positive perception of the company and its brands is of paramount importance. Thus, Chrysler shares the Government of India's desire to ensure that the .RAM gTLD will not be abused by registrants in a way that would be offensive to adherents of the Hindu religion or any other religion.

The company believes that it has proposed a robust set of safeguards that go beyond anything required by the gTLD application process and address the Government of India's concerns relating to this restricted, exclusively controlled gTLD. Nevertheless, if the Government has additional or alternative requests that address its concerns, yet allow Chrysler to register and operate .RAM for legitimate business purposes, Chrysler would welcome the opportunity to discuss them with the Government. In the meantime, however, Chrysler has satisfied all of the application criteria and its application should not be unduly delayed.

Chrysler appreciates the willingness of the ICANN Board to consider the company's response to the concerns raised by the Government of India regarding its .RAM gTLD application. Should the Board need additional information from Chrysler, the company would be happy to provide it.