

## GAC Advice Response Form

The Governmental Advisory Committee (GAC) has issued advice to the ICANN Board of Directors regarding New gTLD applications and existing strings. Please see Section II of the [GAC Los Angeles 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 Los Angeles GAC Advice” (for example “1-111-11111 Response to Los Angeles GAC Advice”). All GAC Advice Responses to the GAC Los Angeles Communiqué must be received no later than 23:59:59 UTC on 17-November-2014.

### Respondent:

Applicant Name	Application ID	Applied for TLD (string)
Lone Maple, LLC	1-1343-89689	app
Baxter Tigers, LLC	1-1344-70608	art
Foggy Way, LLC	1-1359-21671	bet
Binky Sky, LLC	1-1382-33633	casino
Corn Lake, LLC	1-1384-49318	charity
Cotton Fields, LLC	1-1407-41397	corp
Trixy Canyon, LLC	1-1411-59458	cpa
Romeo Birch, LLC	1-1605-75916	data
Brice Trail, LLC	1-1430-52453	doctor
Little Birch, LLC	1-1434-1370	eco
Over Keep, LLC	1-1465-93738	free
Foggy Beach, LLC	1-1470-40168	games
Extra Dynamite, LLC	1-1477-91047	gmbh
Baxter Sunset, LLC	1-1271-68369	inc
Foggy North, LLC	1-1546-93002	llc
Lone Hollow, LLC	1-1556-47497	mba
Steel Hill, LLC	1-1561-23663	medical
New Frostbite, LLC	1-1570-42842	movie
Victor Cross, LLC	1-1571-12951	music
Hidden Bloom, LLC	1-1573-27315	news
Tin Dale, LLC	1-1593-8224	radio
Little Galley, LLC	1-1622-67844	school
Snow Beach, LLC	1-1633-36635	show
Foggy Sunset, LLC	1-1619-92115	spa
Blue Tigers, LLC	1-1641-67063	theater
Sugar Station, LLC	1-1648-61876	tours
Holly Shadow, LLC	1-1538-23177	vin
June Station, LLC	1-1515-14214	wine

Donuts appreciates the opportunity to provide feedback to the ICANN Board regarding the Governmental Advisory Committee's Los Angeles Communiqué, dated 15 October 2014.

## **Election of Chair and Vice Chairs**

Donuts congratulates Thomas Schneider of Switzerland and welcomes him as the newly elected Chair of the GAC. We further congratulate Olga Cavelli (Argentina), Henri Kassen (Namibia), and Gema Campillos Gonzalez (Spain) on their election as Vice Chairs.

Donuts also thanks Heather Dryden for her long and distinguished service as Chair.

## **Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

Donuts appreciates the GAC's ongoing interest in potential safeguards, and provides the following comment to the Board regarding the specifics of GAC advice:

*a. The GAC strongly advises the ICANN Board to focus its attention on the following:*

- *Implementation of WHOIS-Related Safeguards*

*...Complete the Pilot study on WHOIS accuracy, including assessment of identity validation, and share the findings in a timely manner for review at the ICANN 52 meeting;*

*and*

*...Initiate steps towards Phase 3 (identity verification) of WHOIS, including undertaking a cost-benefit analysis of implementation options;*

*and*

*Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.*

Donuts welcomes further study of WHOIS-related issues and agrees to help define a process for resolving inaccurate WHOIS records. However, we again urge a cautious and deliberative approach to the concept of WHOIS verification and validation, as any such measures are exceedingly challenging.

Indeed, in the preliminary findings paper<sup>1</sup> describing the pilot introduction of the WHOIS Accuracy Reporting System (ARS), even researchers acknowledged the difficulty of verification and validation. The study:

*"...examines accuracy levels by applying syntactic validation and operation validation tests to a Registrant's postal address, email, and telephone numbers listed in a WHOIS record."*

But the study did not attempt to apply identity validation techniques,

*"...because the complexity and costs of validating identities is in any sample size is too prohibitive." (emphasis added)*

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<sup>1</sup> <https://www.icann.org/news/announcement-2014-10-10-en>

Donuts, therefore, respectfully advises the Board to examine carefully the real-world feasibility of any proposed verification and validation methodologies proposed for WHOIS. Furthermore, given the significant burdens such a program could impose on registries and registrars, it will be essential that any new policy in that area apply equally to all TLDs, rather than simply to new gTLDs from the most recent round. To impose new gTLD validation and verification standards would only serve to deepen the chasm between highly regulated new gTLDs and lightly regulated legacy gTLDs.

The GAC further advised that the Board:

1. *Reconsider the NGPC's determination not to require the verification and validation of credentials of registrants for the highly regulated Category 1 new gTLDs. The GAC believes that for the limited number of strings in highly regulated market sectors, the potential burdens are justified by the benefits to consumers; reconsider the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and reconsider the requirement to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials; and*
2. *Ensure the issues (verification/ validation; post-registration checks; consultation with authorities) are addressed in the review process for any subsequent rounds of new gTLDs.*

Donuts respectfully reiterates its previous concerns regarding verification and validation of credentials.

As the ICANN Board has itself noted, even well intentioned efforts toward validating domain name registrants carry the potential for significant and adverse unintended consequences. In the case, for example, of .DOCTOR, such a generic term has far wider utility than application to credentialed physicians. As ICANN Board member Chris Disspain noted in the New gTLD Program Committee meeting with the GAC in Buenos Aires (emphasis added):

*"...in many, many countries, the term "doctor" is used as a name of businesses. A computer doctor. If you -- There are often -- It's a term that is used. **It's not a regulated term.** It's a term that is used in business names, in company names for people who fix things. And there is no prohibition on the use of that term."*

Indeed, "doctor" can refer to other types of academic credentials—Doctor of Philosophy, Juris Doctor, or Doctor of Dental Surgery, for example. Some registrants use "doctor" names to review medical doctors or provide directories of medical doctors. They are not licensed medical practitioners, but certainly have the right to continue to use the DNS to provide important information in a lawful manner. Fulfilling the GAC's request therefore would discriminate against and disenfranchise minority users of the generic term.

Further, in the United States, for example, it would violate the tenets of the First Amendment for the government to say that only certain people could engage in speech unless "reasonable" time, place or manner restrictions were narrowly tailored toward certain government goals. With .DOCTOR, the laudable goal is to prevent unlicensed individuals from holding themselves out as licensed medical doctors, thereby causing consumer confusion. It would be *unreasonable*, however, for the government or ICANN to reach that objective by saying that only licensed medical doctors could use the generic term "doctor" while at the same time discriminating against all other very legitimate uses of the term. Such a problem deserves confrontation, but not by creating new problems by needlessly restricting free expression and lawful speech.

**This and other examples make it clear that not only is it not advisable to attempt to regulate speech through gTLD registration restriction, trying to do so literally halfway through an in-progress, successful program would disrupt public participation and create an unreasonable level of confusion.** (Emphasis added)

## **GAC's and ALAC's discussion regarding safeguard protection**

Donuts notes the GAC's exchange with the ALAC in Los Angeles, where the ALAC stated its desire to persuade ICANN to halt contracting and/or delegation of new gTLDs that fall within Category 1 of the GAC's safeguard advice<sup>2</sup>, presumably to subject gTLDs not yet under contract to more stringent requirements. Some members of the GAC expressed ongoing sympathy with the ALAC's position<sup>3</sup>.

While Donuts recognizes and appreciates the GAC's and ALAC's continued concern regarding safeguards, it's critical to recognize that policymaking for new gTLD application and delegation was concluded long ago, and many affected gTLDs have already executed their Registry Agreements with ICANN.<sup>4</sup> Freezing a subset of applications during contracting and delegation when policies have been finalized and other applications have been able to proceed would result in disparate and unfair treatment of registry operators, which is both unfair and a violation of ICANN's bylaws, and would introduce inconsistencies across ICANN Registry Agreements.

Heeding the ALAC's request, therefore, would be inappropriate and a breach of the Applicant Guidebook (AGB) at this stage of the program. If the ALAC wishes to apply certain criteria to any gTLDs, including a subset of all gTLDs, it can do so only (i) if the policies fall within the category of issues covered by Specification 1 of the Registry Agreement (i.e., so-called "Consensus Policy" within the "Picket Fence") and (ii) through the GNSO Policy Development Process (PDP), which would fittingly involve consultation from all impacted parties. If the community, collectively, elects to more heavily regulate specific categories of strings, it is imperative to do so via this avenue instead of freezing and unilaterally regulating strings in an *ad hoc* fashion.

We note that in May 2014, following receipt of third-party correspondence, ICANN froze a subset of health-related applications *outside of established process* to consider whether additional safeguards were appropriate. At its June 9 meeting, the ICANN Board determined that no resolution should be taken on the matter, and such strings were allowed to proceed using the existing framework for Category 1 safeguards.

Additionally, similar ideas were previously brought forward by the ALAC through a proposal to institute mandatory Policy Advisory Boards for strings identified within the GAC Category 1 Advice. When the topic was raised during the ALAC meeting with the ICANN Board during the ICANN 49 Public Meeting in Singapore, the Board, appropriately, advised the ALAC that introduction of new safeguards must pass through the PDP. As stated by Board member Bruce Tonkin:

*"There is a provision in the bylaws that the ALAC can actually start a policy development process, starting with an issues report. Use that. Because this whole area of regulated industry, categories, it is very complicated and it is absolutely what the policy development process is designed to do to address those issues. That's where that should go."*

Cherine Chalaby, chair of the NGPC, echoed this position, affirming that implementation of additional safeguards must necessarily result from consensus policy. We support the Board's approach and

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<sup>2</sup> <http://www.atlarge.icann.org/correspondence/correspondence-16oct14-en.htm>

<sup>3</sup> <http://la51.icann.org/en/schedule/tue-gac/transcript-gac-alac-14oct14-en>

<sup>4</sup> Further, importantly, applicants relied on a clear understanding of AGB rules (the result of policymaking finality) when resolving contention—rules that should not be changed mid-stream.

urge it to continue to uphold this responsibility, and to reject other attempts by parts of the community to subvert established process or turn the NGPC into a policy development body.

Donuts urges the ICANN Board to comply with ICANN's Mission Statement and Core Values, and the terms of Specification 1 of the Registry and Registrar agreements; to carefully consider the implications of the ALAC's recommendations both in terms of ICANN's policy development process and end-user predictability; and to refer the ALAC's advice to the GNSO to proceed through a potential PDP.

**Conclusion**

Donuts thanks the Board for its consideration of this comment.

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## Respondent:

Applicant Name	TLDDOT GmbH
Application ID	1-1273-63351
Applied for TLD (string)	GMBH

## Response:

The Governments of the countries Austria, Germany, Liechtenstein and Switzerland and The Association of German Chambers of Commerce and Industry (DIHK) have repeatedly formulated their concerns about the delegation of the .GMBH gTLD to a Registry operator that is not liable and incorporated in the concerned jurisdiction and does not fulfill GAC Advice requirements as this will likely cause severe damages to the image and value of one of Europe’s most trusted corporate identifiers.

- <http://newgtlds.icann.org/en/program-status/correspondence/vogel-middeldorf-to-chehade-09jul13-en.pdf>
- <http://newgtlds.icann.org/en/program-status/correspondence/vogel-middeldorf-to-chehade-25aug14-en.pdf>
- <https://www.icann.org/en/system/files/correspondence/metzger-to-chehade-23sep14-en.pdf>
- <http://newgtlds.icann.org/en/program-status/correspondence/ortmeyer-wernicke-to-chehade-08sep14-en.pdf>

ICANN has not responded to the advice both the GAC and the Governments letters repeatedly provided, ignoring the countries’ sovereign rights on the operation of the corporate identifier GMBH and its counterpart on the Internet, the new top-level domain .GMBH.

Furthermore it is questionable whether the Community-Priority-Evaluation (CPE) service provider (Economist Intelligence Unit, EIU) was capable to oversee this highly sensitive and political matter in the four German speaking countries. We anticipate the GAC advice regarding corporate identifiers and the treatment of communities was addressed with the EIU. No interaction took place between the EIU and the respective governments.

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The consequence of this was that several corporate identifier gTLD applications (.GMBH, .INC, .LLP, .LLC) which all had exclusive and comprehensive Governmental and community support did not pass the CPE. These applications are now scheduled to go to an auction with the potential outcome that the gTLDs will not be operated in-line with applicable laws and the GAC Advice.

The CPE determination for .GMBH has been published at <http://www.icann.org/sites/default/files/tlds/gmbh/gmbh-cpe-1-1273-63351-en.pdf>. The expectation of the Governments, stakeholders and the communities concerned was the applicants would pass the CPE and can be operated in accordance with applicable legislation.

Our complaint regards the aforesaid inconsistent CPE determinations. It is a fact is that TLDDOT GmbH failed in the CPE and a Reconsideration Request regarding its .GMBH application (<https://www.icann.org/resources/pages/14-31-2014-06-25-en>), too. But it is also a fact that the EIU has made several and severe mistakes in the CPE that lead to the failure of our .GMBH application in the CPE.

What we ask ICANN and what Governments asked ICANN is to offer a mechanism which community applicants may use to appeal incorrect CPE determinations. By this the balance of sovereign rights of countries in their corporate identifiers and interests of other parties including ICANN's accountability can be restored.

Dirk Krischenowski  
CEO of TLDDOT GmbH (.GMBH applicant that fulfils GAC Early Warning and GAC Advice requirements)  
31 Oct 2014

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## Respondent:

Applicant Name	Hotel Top-Level-Domain S.à.r.l.
Application ID	1-1032-95136
Applied for TLD (string)	hotel

## Response:

HOTEL Top-Level-Domain S.à.r.l. is the community-based registry operator for the .hotel TLD and is being supported by the global hotel community. We would like to comment to the GAC Los Angeles communiqué as follows:

We encourage ICANN to provide the GAC with specific responses to the concerns listed in the GAC Los Angeles communiqué.

We have pointed out before that it is against competitive rules to allow applicants to amend their applications in order to comply with the GAC requirements. We are confident that for instance a change from an open to a closed application or vice versa constitutes a court-proof Material Change, especially in comparison what ICANN has mandated to be a Material Change in the guidebook.

We also echo the GACs concerns about the operation of generic terms as closed gTLDs.

HOTEL Top-Level-Domain S.à.r.l. also again urges ICANN to ensure that any Public Interest Commitments or changes to applications and gTLD operations based on Safeguards filed by applicants in Contention Sets are being bindingly implemented and monitored after being approved as Change Request.

We agree with the GAC Beijing (and following) advice that allowing singular and plural versions of the same strings could lead to consumer harm and ask ICANN to provide applicants with an Appeal Mechanism that allows the reconsideration of the inconsistent results of the String Similarity Objections.

The GAC raised vital consumer protection issues in the Beijing, Singapore, and, most recently, London Communiqués, which help establish an environment of trust for these new domains as they are delegated.



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## Respondent:

Applicant Name	Fédération Nationale de la Mutualité Française
Application ID	1-1752-85513
Applied for TLD (string)	mutuelle

## Response:

Dear ICANN Board,

We refer to the Governmental Advisory Committee’s (GAC) Communiqué published on October 14, 2014, regarding regulated gTLDs in the context of the New gTLD Program.

We confirm that we are still in line with our response to the GAC Beijing Communiqué, dated April 2013, and will comply with the concerns expressed by the GAC in their Singapore, London and Los Angeles Communiqués.

Referring to our application, Fédération Nationale de la Mutualité Française is the overarching membership organization, grouping most of the French mutual health insurance.

Please note that we will fully comply with the Whois verification requests required, as indicated in our reply below. As we have established working relationships with our member, on several other matters we will De facto have a validation process in place. Our members are also bound to respect French regulations on mutual health insurance, and are regularly audited by the appropriate authorities.

Please note that we are also in full agreement with the points raised by the GAC in relation to registries of future generic top-level domains implementing the six safeguards referred to in the above mentioned Annex I, in the Beijing communiqué, being in details :

1. WHOIS verification and checks: considering the fact that the registry for the applied-for gTLD will – at least initially – operate a single registrant-top-level domain, we will ensure at all times the accuracy of publicly available WHOIS information. If and when our domain name registration policy would change, we will implement processes and procedures in order to provide for checking mechanisms in line with

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what is proposed by the GAC; Moreover, when opening the tld to external entities, the Fédération Nationale de la Mutualité Française contemplates the possibility to open the TLD only to members of the Fédération Nationale de la Mutualité Française, therefore known parties, with whom the Fédération Nationale de la Mutualité Française already has long term working relationships, as most of its members are a member for multiple years, and all of its members are subject to scrutiny from governmental authorities and Fédération Nationale de la Mutualité Française itself.

2. Mitigating abusive activity: considering the fact that the proposed registry will – at least initially – be a single registrant-TLD, where any and all services provided under domain names in the TLD will be under the control of the registry, the risks of abusive activity should be non-existing. As mentioned in our application, the reason for being a single registrant-registry is to mitigate the risks identified by the GAC in its Beijing and subsequent communiqués.

Of course, if and when our domain name policy would change, we will implement the safeguards requested by the GAC and implement processes in order to (i) mitigate abusive conduct from happening, and (ii) promptly implementing appropriate safeguards in the event abusive activity would be detected;

3. Security checks: we will implement policies, processes and procedures in order to avoid the security threats referred to in Annex I to the GAC Communiqué, in particular in relation to phishing, pharming, malware and botnets, and will conduct regular security checks in relation to domain names registered by or on behalf of the registry, as well as by third parties in the event we will allow non-affiliated parties of the applicant to register domain names and/or render services under such domain names. Nonetheless, proactively carrying out these types of security checks is most likely something that will require further technical specification to be defined by ICANN in accordance with its policy development processes;

4. Documentation: we will comply in full with the proposed documentation requirements put forward by the GAC in relation to maintaining reports concerning (i) the number of inaccurate WHOIS records, (ii) security threats identified, and (iii) actions taken. These reports will be kept for the full term of the registry agreement with ICANN;

5. Making and handling complaints: as stated in our application, we will put in place a complaints point of contact that will deal with complaints relating to malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or any type of behavior that is considered to be contrary to applicable law.

6. Consequences: we will 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, which will be laid down in the domain name registrations that will be published following the delegation of the TLD to us.

Furthermore, we refer to our responses to Questions 18, 20, 28 and 29, as amended following the responses to the clarifying questions we have submitted and/or will supplement if needed be. However, we reserve the right to amend our responses following the outcome of the current policy development and comments processes in relation to the GAC Advice contained in the GAC Communiqué referred to above.

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Considering the fact that the .mutuelle gTLD also figures on the “Category 1” list, the GAC also requires an answer to the following additional safeguards:

1. Registry operators will include in its acceptable use policy that registrants 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.

The applicant will include these obligations in its acceptable use policy.

2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.

Fédération Nationale de la Mutualité Française will include a provision to this effect in its registry-registrar agreement.

3. Registry operators will require that registrants who collect and maintain sensitive health information 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.

Fédération Nationale de la Mutualité Française will provide for a clause to this effect in its domain name registration terms and conditions.

4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities

Considering the fact that Fédération Nationale de la Mutualité Française is the organization that groups the vast majority of mutual funds in France, it already has established such relationships with its members. Most if not all of these members, given their status as a mutual health insurance, have processes, procedures and tools in place themselves in order to prevent the risks of fraudulent and other illegal activities. Combined with the processes and procedures that have been established by Fédération Nationale de la Mutualité Française in general and specifically in relation to the .mutuelle gTLD, Fédération Nationale de la Mutualité Française, we are confident that the likelihood of this risk occurring is rather low, and if such risk materializes, that these processes will be sufficient in order to effectively deal with potential damages.

5. Registrants must be required by the registry operators to notify them a single point of contact which must be kept up-to-date, 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.

Fédération Nationale de la Mutualité Française will include such a requirement in our domain name registration terms and conditions, and implement a process to this effect.

6. At the time of registration, the registry operator must verify and validate the registrant’s authorizations, charters, licenses and/or other related credentials for participation in that sector.

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Considering the fact that – as stated above – Fédération Nationale de la Mutualité Française is the organization that groups the vast majority of mutual health insurance in France, it already has processes in place in order to verify its members’ eligibility and credentials for participation in this sector. Furthermore, Fédération Nationale de la Mutualité Française verifies on a regular basis whether each of its members still meets the requirements that are provided for by law and in the general membership arrangements that are imposed by Fédération Nationale de la Mutualité Française upon each of its members.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.

See our response to Safeguard 6 above: Fédération Nationale de la Mutualité Française already has already implemented these processes.

8. The registry operator must conduct periodic post-integration checks to ensure registrants’ validity and compliance 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.

See our response to Safeguard 6 above: Fédération Nationale de la Mutualité Française already has already implemented these processes.

Respectfully submitted,

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## Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-17627
Applied for TLD (string)	LLC

## Response:

Dot Registry, LLC commends the Government Advisory Committee’s (GAC) continued effort to make the New gTLD Program Committee (NGPC) accountable for creating and implementing sustainable protection mechanisms for Category 1 and Category 2 strings. As the GAC notes in its Los Angeles Communiqué, it is not acceptable for the NGPC to continue to defer making “concrete responses” in regards to the implementation of the GAC’s proposed accountability mechanisms. In choosing to not act on the items that the NGPC deems “challenging to implement,” the NGPC is failing to protect registrants, end users, and the community at large. As the GAC notes in its Los Angeles Communiqué, the long-term risks associated with the irresponsible issuance of these Category 1 and Category 2 extensions far outweighs the temporary burden of implementing the advice.

It has been over three years since the GAC first announced the need for increased protections for Category 1 and Category 2 strings and still the NGPC has failed to create policies to uphold the GAC standards for verification of these extensions. This is not acceptable. The GAC has been repetitively clear and it is no longer a time to be patient and delay implementing the GAC advice any further. With countless new gTLDs going live every month, the sense of urgency for these protections has reached an all-time high and it is time for the NGPC to heed the GAC’s warnings and build a solid “environment of trust” in order to achieve a long-term sustainable system of operations for registries of Category 1 and Category 2 Strings.

With the IANA transfer rapidly proceeding, it would be impossible for ICANN to put its best foot forward in all areas, showing the world that the ICANN Bylaws, which call for transparency, accountability, and operational governance, support Internet accountability, transparency and

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stability. ICANN's Bylaws are a working document that is supported across the entire ICANN platform, which includes all stakeholder groups. It is our hope that NGPC's consistent inability to create concrete enforcement mechanisms and the continued attempt to pacify the GAC with non-committal, vague responses is not a reflection of ICANN's governance documents nor its overall core mission and values to support and promote the security and stability of the DNS. With this newest call to action by the GAC, the NGPC will reflect on its duties as a public steward of this program and come to the table with acceptable enforcement mechanisms that will be universally applied to all registries. ICANN serves the public in operating the DNS and cannot afford to take a reactive versus a proactive approach to securing Category 1 and Category 2 new gTLD strings. The NGPC cannot afford look the other way in regards to implementing GAC safeguards just because Category 1 and Category 2 applicants are in a hurry to launch their strings. To do so, ICANN would jeopardize the security and stability of the DNS, violate its own Bylaws, cause harm to the general public, and jeopardize the integrity of this and future new gTLD programs.

As the only community applicant for the Category 1 strings .INC, .LLC, .LLP, and .CORP, Dot Registry is acutely aware of the potential risks associated with the implementation of these extensions. Prior to Dot Registry submitting its applications for these strings, Dot Registry worked diligently to create pre-verification mechanisms and registration policies that not only protect the communities Dot Registry represents and the general public, but also look ahead to combat business identity theft, build confidence amongst consumers, and create long-term accountability procedures which build Internet security, stability and integrity, in alignment with ICANN's core mission and values.

In the United States, the designations of INC, LLC, LLP, and CORP are regulated by the incorporating State and imply a level of trust amongst consumers. These abbreviations indicate a business' right to conduct commerce transactions within the United States and provide consumers with a level of comfort in choosing whom to patronize. As brick and mortar businesses fade into the past, and consumers turn their focus to finding goods and services online, it becomes increasingly important to verify that businesses are representing themselves accurately online, especially those involving ecommerce and financial transactions.

Dot Registry has worked very closely with the Secretaries of State across the United States to create registration guidelines, enforcement mechanisms, and protection protocols that protect its community and Internet end users. Dot Registry's applications not only align with the GAC's advice, they enforce the state policies associated with business formation and entity reporting requirements within the United States. Through Dot Registry's ongoing relationship with the Secretaries of State and the National Association of Secretaries of State (NASS), Dot Registry has fine-tuned the pre-verification process, as described in its ICANN applications, and is proud of the integrity that these extensions would represent if operated through its Registry.

Should Dot Registry be awarded these corporate identifier strings, registrations would be restricted to members of the registered United States Business Community, as pre-verified through Dot Registry's registration process and continuously monitored. Dot Registry believes

# GAC Advice Response Form for Applicants



in transparency and accountability in reporting and is the only viable applicant to operate these extensions who provides clear processes for verification, proactive abuse mitigation and has established a firm bond with the regulatory bodies who oversee these entity designations. The issuance of these strings without security mechanisms and cooperation of all state regulators would not only be confusing and damaging to the public, it could serve to create long term disguises for fraudulent business activity and shell corporations.

Over the years, NASS has issued several letters to ICANN calling for the necessity of supporting GAC advice in regards to Category 1 safeguards and additionally its belief in the Community Application Process. In June 2014, NASS joined Dot Registry in filing a Reconsideration Request with the ICANN's Board Governance Committee (BGC), which called into question the scoring of Dot Registry's applications during the Community Priority Evaluations (CPEs) in which it participated, the impartiality of the CPE evaluators and the inconsistencies between the CPE results and the CPE scoring criteria set forth in ICANN's gTLD Applicant Guidebook. Although the BGC denied NASS and Dot Registry's Reconsideration Request, it is apparent in the Los Angeles Communiqué that the GAC shares similar concerns about the CPE process. The rejection and misapplication of CPE guidelines is not a trivial problem called into question by disappointed applicants wishing for improved scoring. Dot Registry would encourage the NGPC to heed the GAC's request to review the CPE program and to take responsibility for CPE evaluators' interpretation and application of the CPE scoring criteria in order to ensure that the criteria are applied consistently.

Dot Registry is sympathetic to the growing pains of such a new and robust gTLD expansion program, but it has lost patience with the NGPC's inability to rise to the occasion and heed the GAC's advice. The GAC advice represents well-founded concerns that deserve not only consideration but implementation. Without the application of sustainable accountability mechanisms, the new gTLD program will fail to protect consumers, registrants and registries appropriately. The NGPC no longer has the luxury of delaying the development of these procedures and it is Dot Registry's hope that the Los Angeles Communiqué will act as a catalyst for Applicants, Stakeholders, and End Users to hold the NGPC accountable to the GAC.

This week several strings identified as Category 1 and Category 2 strings have become available for public sale. Below please find our recent letter to the Missouri Secretary of State in regards to the lack of verification and accountability assigned to those extensions. The below examples represent the tangible proof that the GAC advice has not been heeded or applied. The delegation of these extensions combined with the NGPC's failure to implement the appropriate safeguards and enforcement mechanisms will result in paramount consumer harm. Actions must be taken immediately to curb any additional risk.

Dot Registry Letter to Jason Kander, Missouri Secretary of State

November 14, 2014

Missouri Secretary of State



# GAC Advice Response Form for Applicants



Attn: Jason Kander  
600 West Main Street  
Jefferson City, MO 65191  
+1.573.751.4936  
Email: [info@sos.mo.gov](mailto:info@sos.mo.gov)

## **Re: Implementation issues with corporate and financial category 1 Highly-regulated Sectors/Closed Entry strings**

Today, we bring forth grave concerns in relation to the Internet Corporation for Assigned Names and Numbers (ICANN) new gTLD Category 1 string safeguards and the delegation of those corporate and financial strings without adequate consumer, business, financial and government regulator protections, as required by ICANN in Section 11, Public Interest Commitments (PICs), in the Registry Agreement. This matter shakes the foundation on which ICANN has built the Internet upon. The facts support our concerns and those that should concern you, as well.

On April 11, 2013, the Government Advisory Committee (GAC) issued the Beijing Communiqué (see <http://newgtlds.icann.org/en/applicants/advisories/gac-cat1-advice-19mar14-en>) expressing clear opinions in regards to strings that are linked to “regulated or professional sectors.” The GAC believes that these extensions, which are classified as Category 1 Strings, are “likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.” The GAC further advised the ICANN Board to ensure the following safeguards to apply to strings that related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.
3. Registry operators will require that 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.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, 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.

Further the NGPC, via Resolution No. 2014.02.05.ng01 (found at: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>), has identified the following non-exhaustive list of strings that the above safeguards should apply to:

**Regulated Sectors/Open Entry**

**Highly-regulated Sectors/Closed Entry**



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## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)**

### **Children:**

.kid, .kids, .kinder, .game, .games,  
.juegos, .play, .school, .schule, .toys

### **Environmental:**

.earth, .eco, .green, .bio, .organic

### **Health and Fitness:**

.care, .diet, .fit, .fitness, .health,  
.healthcare, .heart, .hiv, .med, .organic,  
.rehab, .clinic, .healthy (IDN Chinese  
equivalent), .dental, .physio

### **Financial:**

.capital, .cash, .cashbackbonus, .broker,  
.brokers, .claims, .exchange, .finance,  
.financial, .fianancialaid, .forex, .fund,  
.investments, .lease, .loan, .loans,  
.market, .markets, .money, .pay, .payu,  
.retirement, .save, .trading, .credit,  
.insure, .netbank, .tax, .travelersinsurance,  
.vermogensberatung, .mortgage, .reit

### **Charity:**

.care, .gives, .giving

### **Education:**

.degree, .mba

### **Intellectual Property:**

.audio, .book (and IDN equivalent),  
.broadway, .film, .game, .games, .juegos,  
.movie, .music, .software, .song, .tunes,  
.fashion (and IDN equivalent), .video,  
.app, .art, .author, .band, .beats, .cloud  
(and IDN equivalent), .data, .design,  
.digital, .download, .entertainment,  
.fan, .fans, .free, .gratis, .discount, .sale,  
.hiphop, .media, .news, .online, .pictures,  
.radio, .rip, .show, .theater, .theatre,  
.tour, .tours, .tvs, .video, .zip

### **Professional Services:**

.accountant, .accountants, .architect,

## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)**

### **Health and Fitness:**

.pharmacy, .surgery, .dentist, .dds,  
.hospital, .medical, .doctor

### **Financial:**

.bank, .banque, .creditunion, .creditcard,  
.insurance, .ira, .lifeinsurance,  
.mutualfunds, .mutuelle,  
vermogensberater, and .versicherung  
.autoinsurance, .carinsurance

### **Gambling:**

.bet, .bingo, .lotto, .poker, .spreadbetting,  
.casino

### **Charity:**

.charity (and IDN Chinese equivalent)

### **Education:**

.university

### **Professional Services:**

.abogado, .attorney, .cpa, .dentist, .dds,

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.associates, .broker, .brokers, .engineer,  
.legal, .realtor, .realty, .vet, .engineering,  
.law

.lawyer, .doctor

## Corporate Identifiers:

.limited

## Corporate Identifiers:

.corp, .gmbh, .inc, .lie, .lip, .ltda, .ltd, .sarl,  
.srl, .sal

## Generic Geographic Terms:

.town, .city, .capital  
.reise, .reisen  
.weather

## Special Safeguards Required

### Potential for Cyber Bullying/Harassment (Category 1 Safeguards 1-9 applicable):

.fail, .gripe, .sucks, .wtf

### Inherently Governmental Functions (Category 1 Safeguards 1-8 and 10 applicable)

.army, .navy, .airforce

## Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring 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.***
2. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.***
3. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements ***a provision requiring that 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.***
4. ***Registry operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.***

5. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, 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.

6. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant possesses any necessary authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string.***

7. ***If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.***

8. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring Registrants to report any material changes to the validity of the Registrants' authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string 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.***

**[APPLICABLE WHERE "SPECIAL SAFEGUARDS REQUIRED" NOTED ABOVE.]**

9. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

10. Registry operator will include a provision in its Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant will take reasonable steps to avoid misrepresenting or falsely implying that the Registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.***

.SARL is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** corporate identifier extension and .CREDITCARD is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** financial extension, which would require the implementation of "further targeted safeguards," which the GAC advised the Board in the Beijing Communiqué, as follows:

1. 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:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance 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.

.SARL is a commonly used acronym that represents limited liability companies located in various jurisdictions around the globe, primarily Europe and Latin America. This acronym is not a generic word, nor is it used in context other than signifying a business entity designation. For this reason, consumers believe that entities bearing the extension of .SARL is a registered business entities which has the authority to conduct commerce transactions within their applicable jurisdiction. Business fraud is of top concern by allowing criminals to register .SARL domains unchecked and unverified with the regulating entity and in no way promotes a secure and stable Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/sarl-2014-07-03-en>).

.CREDITCARD is a financial identifier string included in the Category 1 GAC safeguards. This acronym is not a generic word, nor is it used in contest other than for conveying financial credit by an approved lending institution. Online credit card and identity theft is one of the top Internet crimes in history and allowing criminals to register .CREDITCARD domains unchecked and unverified is in no way promotes a secure Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/creditcard-2014-03-20-en>).

The public's perceptions and beliefs evolving around use of the Category 1 strings, especially corporate identifier and financial strings, drive the immediate need for sufficient enforceable safeguards, at both the registry and registrar levels, to create a secure and safe online environment for consumers and businesses alike and to preemptively safeguard against harm from preying criminals just waiting for opportunity to exploit and profit.

The New gTLD Program Committee (NGPC) responded to the GAC's warnings by implementing Public Interest Commitments (PICS) a process that they assured the GAC would protect consumers, regulatory authorities and provide binding, enforceable agreements which

## GAC Advice Response Form for Applicants



respect the concerns of the GAC. PICs allowed registry applicants to add additional safeguards and enforcements mechanisms to their applications in order to add additional security and public safety mechanisms on opt of GAC standards.

As of present, both .SARL and .CREDITCARD domains are publicly available for registration. Both extensions have open registration policies which allow anyone to self-certify they have the authority to register .SARL and .CREDITCARD domains without registration verifications or cross-checks with governing authorities who oversee these designations, the very exact thing that the GAC warns against in all of their communiqués over the last two years. In a random sampling study, several .SARL and .CREDITCARD domains were purchased from the top 5 largest registrars, a including registrars affiliated by the registry operator of .SARL and .CREDITCARD. In fact, we found that donuts.sarl redirects to Donuts' home page, which we question they are authorized or organized as an official SARL in order to comply with Specification 11 of the Registry Agreement with ICANN. The study examined what, if any, verification or safeguards have been implemented to protect consumers. The results of the study were shocking. Out of all registrars sampled, not one contained any form of attestation, including a mandated click through box accepting any special terms, from the registrant that they were authorized by the appropriate governing entity to register such name. Further, the study found no direct information to inform the potential registrant of any specific restrictions around register a .SARL or .CREDITCARD domain name. All sampled registrars approved the .SARL and .CREDITCARD registrations and a website was published without any verification or validation, except for validation of the account email address post registration. Further, we saw no steps to implement any cross-checks of the registration(s) with the governing entity which authorizes or oversees such registrations in the appropriate jurisdiction. The conclusion of the study found that anyone can register a .SARL or .CREDITCARD name based on self certification of data and without any mechanism to check the integrity or validity of such data.

Nowhere in the .SARL or the .CREDITCARD Registry Agreement for operating these Category 1 strings is there any requirements for: (1) advance verification of an entities registration; (2) enforceable safeguards for fraudulent registrations; (3) collaboration with appropriate jurisdictional government entities to verify or maintain registration data accuracy; (4) or any accountable measures in relation to any online business identity misrepresentation that could occur based off the open registration of these domains. Public Interest Commitments (PICs) for both .SARL and .CREDITCARD (see attached) at best impose little burden on registrars to implement any technical mechanisms to validate or cross-check a potential registrant to ensure validity of registration data or authority by a regulatory to register the string.

In the most recent GAC advice issued at ICANN 51 in Los Angeles, CA, the GAC calls the NGPC to task with regards to not providing concrete responses to the GAC request for Category I strings (see <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>), which states

**Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

The GAC remains concerned that the NGPC has not adopted certain specific GAC proposals on safeguards applicable to new gTLDs set forth in the London Communiqué. In its September 2, 2014 response to the GAC's advice and questions regarding implementation of the safeguards, the NGPC appeared to accept GAC advice and respond to the GAC's questions. In substance, however, the NGPC's response clearly indicates the NGPC believes certain elements of the GAC's advice would be challenging to implement. Moreover, the NGPC has deferred a concrete response on many key aspects of the implementation of the GAC advice.

The GAC raised vital consumer protection issues in the Beijing, Singapore, and, most recently, London Communiqués, which help establish an environment of trust for these new domains as they are delegated. It is urgent to address these issues now because contracts for many new gTLDs have already been signed. Accordingly,

**a. The GAC strongly advises the ICANN Board to focus its attention on the following:**

- i. Implementation of WHOIS Related-Safeguards
  1. Provide the GAC with a comprehensive scorecard indicating steps and timelines regarding all streams of work related to the WHOIS accuracy safeguard;
  2. Complete the Pilot study on WHOIS accuracy, including assessment of identity validation, and share the findings in a timely manner for review at the ICANN 52 meeting;
  3. Initiate steps towards Phase 3 (identity verification) of WHOIS, including undertaking a cost-benefit analysis of implementation options; and
  4. Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.
- ii. Security Risks
  1. Inform the GAC and provide GAC members an opportunity to contribute inter-sessionally about the ongoing consultation on the framework for Registries to respond to security risks;
  2. Inform the GAC of the findings of this consultation no later than three weeks before the ICANN 52 meeting; and
  3. Ensure an interim mechanism is in place to effectively respond to security risks.
- iii. Public Interest Commitment Dispute Resolution Process
  1. Modify the dispute resolution process to ensure that noncompliance is effectively and promptly addressed, in particular for cases requiring urgent action.
- iv. Verification and Validation of Credentials for Category 1 Strings Associated with Market Sectors with Clear and/or Regulated Entry Requirements



1. Reconsider the NGPC's determination not to require the verification and validation of credentials of registrants for the highly regulated Category 1 new gTLDs. The GAC believes that for the limited number of strings in highly regulated market sectors, the potential burdens are justified by the benefits to consumers; reconsider the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and reconsider the requirement to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials; and
  2. Ensure the issues (verification/validation; post-registration checks; consultation with authorities) are addressed in the review process for any subsequent rounds of new gTLDs.
- v. Category 2 Safeguards: Ensuring Non-Discriminatory Registration Policies
1. Amend the PIC specification requirement for Category 2 new gTLDs to include a non-discriminatory requirement to provide registrants an avenue to seek redress for discriminatory policies.

This study provides tangible example of the NGPC's lack of concern and implementation of adequate security mechanisms in relation to consumer protection issues through the issuance of .SARL and .CREDITCARD without appropriate due diligence. It is not acceptable for the NGPC to act in ways that are detrimental to the overall stability and security of the Internet, especially which could result in widespread harm of Internet stakeholders, industry and consumers. With additional Category I strings getting delegated daily, the NGPC no longer has the luxury of applying a trial and error method of GAC Advice enforcement. Time is of the essence to act fast to avoid irreparable harm from occurring.

As an applicant for several corporate identifier extensions Dot Registry, LLC has devoted the last two years to solidifying verification and accountability mechanisms which uphold not only the pledges made in our applications, but additionally the GAC standards. Contrary to ICANN's core mission and values to promote the security and stability of the Internet, they have blatantly been opposed to our applications which serve to protect consumers, our community, and the Internet as a whole. By their purposeful and deliberate actions, it is unequivocally clear that ICANN nor the NGPC are going to take responsibility for ensuring adequate security measures are implemented for Category 1 strings. These clear and compelling examples in our study drive home the need for your immediate action in order to restore stability and security to the Internet in Category 1 string delegation and operation. ICANN needs to be held accountable for its actions and inactions and we look to you to bring this matter the proper attention deserved. Without it, we could not begin to even speculate the ripple effect this will have on the security and stability of the Internet moving forward. Now is the time to act, as ICANN highly desires to take over the IANA function, which will free ICANN from the oversight of the U.S. Department of Commerce.

Thank you for your time.

# GAC Advice Response Form for Applicants



**DOT REGISTRY LLC**

Shaul Jolles  
CEO



# GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued further advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Los Angeles Communiqué](#) for the full list of advice.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for its consideration. Please 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 Los Angeles GAC Advice” (for example “1-111-11111 Response to Los Angeles GAC Advice”). All GAC Advice Responses to the GAC Los Angeles Communiqué must be received no later than 23:59:59 UTC on 17 November 2014.

Please note: This form will be publicly posted. Please do not include in this form any information that you do not want posted.

## Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-35508
Applied for TLD (string)	LLP

## Response:

Dot Registry, LLC commends the Government Advisory Committee’s (GAC) continued effort to make the New gTLD Program Committee (NGPC) accountable for creating and implementing sustainable protection mechanisms for Category 1 and Category 2 strings. As the GAC notes in its Los Angeles Communiqué, it is not acceptable for the NGPC to continue to defer making “concrete responses” in regards to the implementation of the GAC’s proposed accountability mechanisms. In choosing to not act on the items that the NGPC deems “challenging to implement,” the NGPC is failing to protect registrants, end users, and the community at large. As the GAC notes in its Los Angeles Communiqué, the long-term risks associated with the irresponsible issuance of these Category 1 and Category 2 extensions far outweighs the temporary burden of implementing the advice.

It has been over three years since the GAC first announced the need for increased protections for Category 1 and Category 2 strings and still the NGPC has failed to create policies to uphold the GAC standards for verification of these extensions. This is not acceptable. The GAC has been repetitively clear and it is no longer a time to be patient and delay implementing the GAC advice any further. With countless new gTLDs going live every month, the sense of urgency for these protections has reached an all-time high and it is time for the NGPC to heed the GAC’s warnings and build a solid “environment of trust” in order to achieve a long-term sustainable system of operations for registries of Category 1 and Category 2 Strings.

With the IANA transfer rapidly proceeding, it would be impossible for ICANN to put its best foot forward in all areas, showing the world that the ICANN Bylaws, which call for transparency, accountability, and operational governance, support Internet accountability, transparency and

## GAC Advice Response Form for Applicants



stability. ICANN's Bylaws are a working document that is supported across the entire ICANN platform, which includes all stakeholder groups. It is our hope that NGPC's consistent inability to create concrete enforcement mechanisms and the continued attempt to pacify the GAC with non-committal, vague responses is not a reflection of ICANN's governance documents nor its overall core mission and values to support and promote the security and stability of the DNS. With this newest call to action by the GAC, the NGPC will reflect on its duties as a public steward of this program and come to the table with acceptable enforcement mechanisms that will be universally applied to all registries. ICANN serves the public in operating the DNS and cannot afford to take a reactive versus a proactive approach to securing Category 1 and Category 2 new gTLD strings. The NGPC cannot afford look the other way in regards to implementing GAC safeguards just because Category 1 and Category 2 applicants are in a hurry to launch their strings. To do so, ICANN would jeopardize the security and stability of the DNS, violate its own Bylaws, cause harm to the general public, and jeopardize the integrity of this and future new gTLD programs.

As the only community applicant for the Category 1 strings .INC, .LLC, .LLP, and .CORP, Dot Registry is acutely aware of the potential risks associated with the implementation of these extensions. Prior to Dot Registry submitting its applications for these strings, Dot Registry worked diligently to create pre-verification mechanisms and registration policies that not only protect the communities Dot Registry represents and the general public, but also look ahead to combat business identity theft, build confidence amongst consumers, and create long-term accountability procedures which build Internet security, stability and integrity, in alignment with ICANN's core mission and values.

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# GAC Advice Response Form for Applicants



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Over the years, NASS has issued several letters to ICANN calling for the necessity of supporting GAC advice in regards to Category 1 safeguards and additionally its belief in the Community Application Process. In June 2014, NASS joined Dot Registry in filing a Reconsideration Request with the ICANN's Board Governance Committee (BGC), which called into question the scoring of Dot Registry's applications during the Community Priority Evaluations (CPEs) in which it participated, the impartiality of the CPE evaluators and the inconsistencies between the CPE results and the CPE scoring criteria set forth in ICANN's gTLD Applicant Guidebook. Although the BGC denied NASS and Dot Registry's Reconsideration Request, it is apparent in the Los Angeles Communiqué that the GAC shares similar concerns about the CPE process. The rejection and misapplication of CPE guidelines is not a trivial problem called into question by disappointed applicants wishing for improved scoring. Dot Registry would encourage the NGPC to heed the GAC's request to review the CPE program and to take responsibility for CPE evaluators' interpretation and application of the CPE scoring criteria in order to ensure that the criteria are applied consistently.

Dot Registry is sympathetic to the growing pains of such a new and robust gTLD expansion program, but it has lost patience with the NGPC's inability to rise to the occasion and heed the GAC's advice. The GAC advice represents well-founded concerns that deserve not only consideration but implementation. Without the application of sustainable accountability mechanisms, the new gTLD program will fail to protect consumers, registrants and registries appropriately. The NGPC no longer has the luxury of delaying the development of these procedures and it is Dot Registry's hope that the Los Angeles Communiqué will act as a catalyst for Applicants, Stakeholders, and End Users to hold the NGPC accountable to the GAC.

This week several strings identified as Category 1 and Category 2 strings have become available for public sale. Below please find our recent letter to the Missouri Secretary of State in regards to the lack of verification and accountability assigned to those extensions. The below examples represent the tangible proof that the GAC advice has not been heeded or applied. The delegation of these extensions combined with the NGPC's failure to implement the appropriate safeguards and enforcement mechanisms will result in paramount consumer harm. Actions must be taken immediately to curb any additional risk.

Dot Registry Letter to Jason Kander, Missouri Secretary of State

November 14, 2014

Missouri Secretary of State

# GAC Advice Response Form for Applicants



Attn: Jason Kander  
600 West Main Street  
Jefferson City, MO 65191  
+1.573.751.4936  
Email: [info@sos.mo.gov](mailto:info@sos.mo.gov)

## **Re: Implementation issues with corporate and financial category 1 Highly-regulated Sectors/Closed Entry strings**

Today, we bring forth grave concerns in relation to the Internet Corporation for Assigned Names and Numbers (ICANN) new gTLD Category 1 string safeguards and the delegation of those corporate and financial strings without adequate consumer, business, financial and government regulator protections, as required by ICANN in Section 11, Public Interest Commitments (PICs), in the Registry Agreement. This matter shakes the foundation on which ICANN has built the Internet upon. The facts support our concerns and those that should concern you, as well.

On April 11, 2013, the Government Advisory Committee (GAC) issued the Beijing Communiqué (see <http://newgtlds.icann.org/en/applicants/advisories/gac-cat1-advice-19mar14-en>) expressing clear opinions in regards to strings that are linked to “regulated or professional sectors.” The GAC believes that these extensions, which are classified as Category 1 Strings, are “likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.” The GAC further advised the ICANN Board to ensure the following safeguards to apply to strings that related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.
3. Registry operators will require that 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.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, 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.

Further the NGPC, via Resolution No. 2014.02.05.ng01 (found at: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>), has identified the following non-exhaustive list of strings that the above safeguards should apply to:

**Regulated Sectors/Open Entry**

**Highly-regulated Sectors/Closed Entry**

# GAC Advice Response Form for Applicants



## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)**

### **Children:**

.kid, .kids, .kinder, .game, .games,  
.juegos, .play, .school, .schule, .toys

### **Environmental:**

.earth, .eco, .green, .bio, .organic

### **Health and Fitness:**

.care, .diet, .fit, .fitness, .health,  
.healthcare, .heart, .hiv, .med, .organic,  
.rehab, .clinic, .healthy (IDN Chinese  
equivalent), .dental, .physio

### **Financial:**

.capital, .cash, .cashbackbonus, .broker,  
.brokers, .claims, .exchange, .finance,  
.financial, .fianancialaid, .forex, .fund,  
.investments, .lease, .loan, .loans,  
.market, .markets, .money, .pay, .payu,  
.retirement, .save, .trading, .credit,  
.insure, .netbank, .tax, .travelersinsurance,  
.vermogensberatung, .mortgage, .reit

### **Charity:**

.care, .gives, .giving

### **Education:**

.degree, .mba

### **Intellectual Property:**

.audio, .book (and IDN equivalent),  
.broadway, .film, .game, .games, .juegos,  
.movie, .music, .software, .song, .tunes,  
.fashion (and IDN equivalent), .video,  
.app, .art, .author, .band, .beats, .cloud  
(and IDN equivalent), .data, .design,  
.digital, .download, .entertainment,  
.fan, .fans, .free, .gratis, .discount, .sale,  
.hiphop, .media, .news, .online, .pictures,  
.radio, .rip, .show, .theater, .theatre,  
.tour, .tours, .tvs, .video, .zip

### **Professional Services:**

.accountant, .accountants, .architect,

## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)**

### **Health and Fitness:**

.pharmacy, .surgery, .dentist, .dds,  
.hospital, .medical, .doctor

### **Financial:**

.bank, .banque, .creditunion, .creditcard,  
.insurance, .ira, .lifeinsurance,  
.mutualfunds, .mutuelle,  
vermogensberater, and .versicherung  
.autoinsurance, .carinsurance

### **Gambling:**

.bet, .bingo, .lotto, .poker, .spreadbetting,  
.casino

### **Charity:**

.charity (and IDN Chinese equivalent)

### **Education:**

.university

### **Professional Services:**

.abogado, .attorney, .cpa, .dentist, .dds,

# GAC Advice Response Form for Applicants



.associates, .broker, .brokers, .engineer,  
.legal, .realtor, .realty, .vet, .engineering,  
.law

.lawyer, .doctor

## Corporate Identifiers:

.limited

## Corporate Identifiers:

.corp, .gmbh, .inc, .lie, .lip, .ltda, .ltd, .sarl,  
.srl, .sal

## Generic Geographic Terms:

.town, .city, .capital  
.reise, .reisen  
.weather

## Special Safeguards Required

### Potential for Cyber Bullying/Harassment (Category 1 Safeguards 1-9 applicable):

.fail, .gripe, .sucks, .wtf

### Inherently Governmental Functions (Category 1 Safeguards 1-8 and 10 applicable)

.army, .navy, .airforce

## Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring 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.***
2. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.***
3. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements ***a provision requiring that 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.***
4. ***Registry operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.***

5. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, 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.

6. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant possesses any necessary authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string.***

7. ***If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.***

8. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring Registrants to report any material changes to the validity of the Registrants' authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string 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.***

**[APPLICABLE WHERE "SPECIAL SAFEGUARDS REQUIRED" NOTED ABOVE.]**

9. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

10. Registry operator will include a provision in its Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant will take reasonable steps to avoid misrepresenting or falsely implying that the Registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.***

.SARL is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** corporate identifier extension and .CREDITCARD is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** financial extension, which would require the implementation of "further targeted safeguards," which the GAC advised the Board in the Beijing Communiqué, as follows:

1. 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:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance 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.

.SARL is a commonly used acronym that represents limited liability companies located in various jurisdictions around the globe, primarily Europe and Latin America. This acronym is not a generic word, nor is it used in context other than signifying a business entity designation. For this reason, consumers believe that entities bearing the extension of .SARL is a registered business entities which has the authority to conduct commerce transactions within their applicable jurisdiction. Business fraud is of top concern by allowing criminals to register .SARL domains unchecked and unverified with the regulating entity and in no way promotes a secure and stable Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/sarl-2014-07-03-en>).

.CREDITCARD is a financial identifier string included in the Category 1 GAC safeguards. This acronym is not a generic word, nor is it used in contest other than for conveying financial credit by an approved lending institution. Online credit card and identity theft is one of the top Internet crimes in history and allowing criminals to register .CREDITCARD domains unchecked and unverified is in no way promotes a secure Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/creditcard-2014-03-20-en>).

The public's perceptions and beliefs evolving around use of the Category 1 strings, especially corporate identifier and financial strings, drive the immediate need for sufficient enforceable safeguards, at both the registry and registrar levels, to create a secure and safe online environment for consumers and businesses alike and to preemptively safeguard against harm from preying criminals just waiting for opportunity to exploit and profit.

The New gTLD Program Committee (NGPC) responded to the GAC's warnings by implementing Public Interest Commitments (PICS) a process that they assured the GAC would protect consumers, regulatory authorities and provide binding, enforceable agreements which



# GAC Advice Response Form for Applicants



respect the concerns of the GAC. PICs allowed registry applicants to add additional safeguards and enforcements mechanisms to their applications in order to add additional security and public safety mechanisms on opt of GAC standards.

As of present, both .SARL and .CREDITCARD domains are publicly available for registration. Both extensions have open registration policies which allow anyone to self-certify they have the authority to register .SARL and .CREDITCARD domains without registration verifications or cross-checks with governing authorities who oversee these designations, the very exact thing that the GAC warns against in all of their communiqués over the last two years. In a random sampling study, several .SARL and .CREDITCARD domains were purchased from the top 5 largest registrars, a including registrars affiliated by the registry operator of .SARL and .CREDITCARD. In fact, we found that donuts.sarl redirects to Donuts' home page, which we question they are authorized or organized as an official SARL in order to comply with Specification 11 of the Registry Agreement with ICANN. The study examined what, if any, verification or safeguards have been implemented to protect consumers. The results of the study were shocking. Out of all registrars sampled, not one contained any form of attestation, including a mandated click through box accepting any special terms, from the registrant that they were authorized by the appropriate governing entity to register such name. Further, the study found no direct information to inform the potential registrant of any specific restrictions around register a .SARL or .CREDITCARD domain name. All sampled registrars approved the .SARL and .CREDITCARD registrations and a website was published without any verification or validation, except for validation of the account email address post registration. Further, we saw no steps to implement any cross-checks of the registration(s) with the governing entity which authorizes or oversees such registrations in the appropriate jurisdiction. The conclusion of the study found that anyone can register a .SARL or .CREDITCARD name based on self certification of data and without any mechanism to check the integrity or validity of such data.

Nowhere in the .SARL or the .CREDITCARD Registry Agreement for operating these Category 1 strings is there any requirements for: (1) advance verification of an entities registration; (2) enforceable safeguards for fraudulent registrations; (3) collaboration with appropriate jurisdictional government entities to verify or maintain registration data accuracy; (4) or any accountable measures in relation to any online business identity misrepresentation that could occur based off the open registration of these domains. Public Interest Commitments (PICs) for both .SARL and .CREDITCARD (see attached) at best impose little burden on registrars to implement any technical mechanisms to validate or cross-check a potential registrant to ensure validity of registration data or authority by a regulatory to register the string.

In the most recent GAC advice issued at ICANN 51 in Los Angeles, CA, the GAC calls the NGPC to task with regards to not providing concrete responses to the GAC request for Category I strings (see <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>), which states

**Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

The GAC remains concerned that the NGPC has not adopted certain specific GAC proposals on safeguards applicable to new gTLDs set forth in the London Communiqué. In its September 2, 2014 response to the GAC's advice and questions regarding implementation of the safeguards, the NGPC appeared to accept GAC advice and respond to the GAC's questions. In substance, however, the NGPC's response clearly indicates the NGPC believes certain elements of the GAC's advice would be challenging to implement. Moreover, the NGPC has deferred a concrete response on many key aspects of the implementation of the GAC advice.

The GAC raised vital consumer protection issues in the Beijing, Singapore, and, most recently, London Communiqués, which help establish an environment of trust for these new domains as they are delegated. It is urgent to address these issues now because contracts for many new gTLDs have already been signed. Accordingly,

**a. The GAC strongly advises the ICANN Board to focus its attention on the following:**

- i. Implementation of WHOIS Related-Safeguards
  1. Provide the GAC with a comprehensive scorecard indicating steps and timelines regarding all streams of work related to the WHOIS accuracy safeguard;
  2. Complete the Pilot study on WHOIS accuracy, including assessment of identity validation, and share the findings in a timely manner for review at the ICANN 52 meeting;
  3. Initiate steps towards Phase 3 (identity verification) of WHOIS, including undertaking a cost-benefit analysis of implementation options; and
  4. Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.
- ii. Security Risks
  1. Inform the GAC and provide GAC members an opportunity to contribute inter-sessionally about the ongoing consultation on the framework for Registries to respond to security risks;
  2. Inform the GAC of the findings of this consultation no later than three weeks before the ICANN 52 meeting; and
  3. Ensure an interim mechanism is in place to effectively respond to security risks.
- iii. Public Interest Commitment Dispute Resolution Process
  1. Modify the dispute resolution process to ensure that noncompliance is effectively and promptly addressed, in particular for cases requiring urgent action.
- iv. Verification and Validation of Credentials for Category 1 Strings Associated with Market Sectors with Clear and/or Regulated Entry Requirements

1. Reconsider the NGPC's determination not to require the verification and validation of credentials of registrants for the highly regulated Category 1 new gTLDs. The GAC believes that for the limited number of strings in highly regulated market sectors, the potential burdens are justified by the benefits to consumers; reconsider the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and reconsider the requirement to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials; and
  2. Ensure the issues (verification/validation; post-registration checks; consultation with authorities) are addressed in the review process for any subsequent rounds of new gTLDs.
- v. Category 2 Safeguards: Ensuring Non-Discriminatory Registration Policies
1. Amend the PIC specification requirement for Category 2 new gTLDs to include a non-discriminatory requirement to provide registrants an avenue to seek redress for discriminatory policies.

This study provides tangible example of the NGPC's lack of concern and implementation of adequate security mechanisms in relation to consumer protection issues through the issuance of .SARL and .CREDITCARD without appropriate due diligence. It is not acceptable for the NGPC to act in ways that are detrimental to the overall stability and security of the Internet, especially which could result in widespread harm of Internet stakeholders, industry and consumers. With additional Category I strings getting delegated daily, the NGPC no longer has the luxury of applying a trial and error method of GAC Advice enforcement. Time is of the essence to act fast to avoid irreparable harm from occurring.

As an applicant for several corporate identifier extensions Dot Registry, LLC has devoted the last two years to solidifying verification and accountability mechanisms which uphold not only the pledges made in our applications, but additionally the GAC standards. Contrary to ICANN's core mission and values to promote the security and stability of the Internet, they have blatantly been opposed to our applications which serve to protect consumers, our community, and the Internet as a whole. By their purposeful and deliberate actions, it is unequivocally clear that ICANN nor the NGPC are going to take responsibility for ensuring adequate security measures are implemented for Category 1 strings. These clear and compelling examples in our study drive home the need for your immediate action in order to restore stability and security to the Internet in Category 1 string delegation and operation. ICANN needs to be held accountable for its actions and inactions and we look to you to bring this matter the proper attention deserved. Without it, we could not begin to even speculate the ripple effect this will have on the security and stability of the Internet moving forward. Now is the time to act, as ICANN highly desires to take over the IANA function, which will free ICANN from the oversight of the U.S. Department of Commerce.

Thank you for your time.

# GAC Advice Response Form for Applicants



**DOT REGISTRY LLC**

Shaul Jolles  
CEO

# GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued further advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Los Angeles Communiqué](#) for the full list of advice.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for its consideration. Please 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 Los Angeles GAC Advice” (for example “1-111-11111 Response to Los Angeles GAC Advice”). All GAC Advice Responses to the GAC Los Angeles Communiqué must be received no later than 23:59:59 UTC on 17 November 2014.

Please note: This form will be publicly posted. Please do not include in this form any information that you do not want posted.

## Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-35979
Applied for TLD (string)	INC

## Response:

Dot Registry, LLC commends the Government Advisory Committee’s (GAC) continued effort to make the New gTLD Program Committee (NGPC) accountable for creating and implementing sustainable protection mechanisms for Category 1 and Category 2 strings. As the GAC notes in its Los Angeles Communiqué, it is not acceptable for the NGPC to continue to defer making “concrete responses” in regards to the implementation of the GAC’s proposed accountability mechanisms. In choosing to not act on the items that the NGPC deems “challenging to implement,” the NGPC is failing to protect registrants, end users, and the community at large. As the GAC notes in its Los Angeles Communiqué, the long-term risks associated with the irresponsible issuance of these Category 1 and Category 2 extensions far outweighs the temporary burden of implementing the advice.

It has been over three years since the GAC first announced the need for increased protections for Category 1 and Category 2 strings and still the NGPC has failed to create policies to uphold the GAC standards for verification of these extensions. This is not acceptable. The GAC has been repetitively clear and it is no longer a time to be patient and delay implementing the GAC advice any further. With countless new gTLDs going live every month, the sense of urgency for these protections has reached an all-time high and it is time for the NGPC to heed the GAC’s warnings and build a solid “environment of trust” in order to achieve a long-term sustainable system of operations for registries of Category 1 and Category 2 Strings.

With the IANA transfer rapidly proceeding, it would be impossible for ICANN to put its best foot forward in all areas, showing the world that the ICANN Bylaws, which call for transparency, accountability, and operational governance, support Internet accountability, transparency and

## GAC Advice Response Form for Applicants



stability. ICANN's Bylaws are a working document that is supported across the entire ICANN platform, which includes all stakeholder groups. It is our hope that NGPC's consistent inability to create concrete enforcement mechanisms and the continued attempt to pacify the GAC with non-committal, vague responses is not a reflection of ICANN's governance documents nor its overall core mission and values to support and promote the security and stability of the DNS. With this newest call to action by the GAC, the NGPC will reflect on its duties as a public steward of this program and come to the table with acceptable enforcement mechanisms that will be universally applied to all registries. ICANN serves the public in operating the DNS and cannot afford to take a reactive versus a proactive approach to securing Category 1 and Category 2 new gTLD strings. The NGPC cannot afford look the other way in regards to implementing GAC safeguards just because Category 1 and Category 2 applicants are in a hurry to launch their strings. To do so, ICANN would jeopardize the security and stability of the DNS, violate its own Bylaws, cause harm to the general public, and jeopardize the integrity of this and future new gTLD programs.

As the only community applicant for the Category 1 strings .INC, .LLC, .LLP, and .CORP, Dot Registry is acutely aware of the potential risks associated with the implementation of these extensions. Prior to Dot Registry submitting its applications for these strings, Dot Registry worked diligently to create pre-verification mechanisms and registration policies that not only protect the communities Dot Registry represents and the general public, but also look ahead to combat business identity theft, build confidence amongst consumers, and create long-term accountability procedures which build Internet security, stability and integrity, in alignment with ICANN's core mission and values.

In the United States, the designations of INC, LLC, LLP, and CORP are regulated by the incorporating State and imply a level of trust amongst consumers. These abbreviations indicate a business' right to conduct commerce transactions within the United States and provide consumers with a level of comfort in choosing whom to patronize. As brick and mortar businesses fade into the past, and consumers turn their focus to finding goods and services online, it becomes increasingly important to verify that businesses are representing themselves accurately online, especially those involving ecommerce and financial transactions.

Dot Registry has worked very closely with the Secretaries of State across the United States to create registration guidelines, enforcement mechanisms, and protection protocols that protect its community and Internet end users. Dot Registry's applications not only align with the GAC's advice, they enforce the state policies associated with business formation and entity reporting requirements within the United States. Through Dot Registry's ongoing relationship with the Secretaries of State and the National Association of Secretaries of State (NASS), Dot Registry has fine-tuned the pre-verification process, as described in its ICANN applications, and is proud of the integrity that these extensions would represent if operated through its Registry.

Should Dot Registry be awarded these corporate identifier strings, registrations would be restricted to members of the registered United States Business Community, as pre-verified through Dot Registry's registration process and continuously monitored. Dot Registry believes

# GAC Advice Response Form for Applicants



in transparency and accountability in reporting and is the only viable applicant to operate these extensions who provides clear processes for verification, proactive abuse mitigation and has established a firm bond with the regulatory bodies who oversee these entity designations. The issuance of these strings without security mechanisms and cooperation of all state regulators would not only be confusing and damaging to the public, it could serve to create long term disguises for fraudulent business activity and shell corporations.

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Dot Registry is sympathetic to the growing pains of such a new and robust gTLD expansion program, but it has lost patience with the NGPC's inability to rise to the occasion and heed the GAC's advice. The GAC advice represents well-founded concerns that deserve not only consideration but implementation. Without the application of sustainable accountability mechanisms, the new gTLD program will fail to protect consumers, registrants and registries appropriately. The NGPC no longer has the luxury of delaying the development of these procedures and it is Dot Registry's hope that the Los Angeles Communiqué will act as a catalyst for Applicants, Stakeholders, and End Users to hold the NGPC accountable to the GAC.

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Dot Registry Letter to Jason Kander, Missouri Secretary of State

November 14, 2014

Missouri Secretary of State



# GAC Advice Response Form for Applicants



Attn: Jason Kander  
600 West Main Street  
Jefferson City, MO 65191  
+1.573.751.4936  
Email: [info@sos.mo.gov](mailto:info@sos.mo.gov)

**Re: Implementation issues with corporate and financial category 1 Highly-regulated Sectors/Closed Entry strings**

Today, we bring forth grave concerns in relation to the Internet Corporation for Assigned Names and Numbers (ICANN) new gTLD Category 1 string safeguards and the delegation of those corporate and financial strings without adequate consumer, business, financial and government regulator protections, as required by ICANN in Section 11, Public Interest Commitments (PICs), in the Registry Agreement. This matter shakes the foundation on which ICANN has built the Internet upon. The facts support our concerns and those that should concern you, as well.

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1. Registry operators will include in its acceptable use policy that registrants 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.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.
3. Registry operators will require that 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.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, 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.

Further the NGPC, via Resolution No. 2014.02.05.ng01 (found at: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>), has identified the following non-exhaustive list of strings that the above safeguards should apply to:

**Regulated Sectors/Open Entry**

**Highly-regulated Sectors/Closed Entry**



# GAC Advice Response Form for Applicants



## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)**

### **Children:**

.kid, .kids, .kinder, .game, .games,  
.juegos, .play, .school, .schule, .toys

### **Environmental:**

.earth, .eco, .green, .bio, .organic

### **Health and Fitness:**

.care, .diet, .fit, .fitness, .health,  
.healthcare, .heart, .hiv, .med, .organic,  
.rehab, .clinic, .healthy (IDN Chinese  
equivalent), .dental, .physio

### **Financial:**

.capital, .cash, .cashbackbonus, .broker,  
.brokers, .claims, .exchange, .finance,  
.financial, .fianancialaid, .forex, .fund,  
.investments, .lease, .loan, .loans,  
.market, .markets, .money, .pay, .payu,  
.retirement, .save, .trading, .credit,  
.insure, .netbank, .tax, .travelersinsurance,  
.vermogensberatung, .mortgage, .reit

### **Charity:**

.care, .gives, .giving

### **Education:**

.degree, .mba

### **Intellectual Property:**

.audio, .book (and IDN equivalent),  
.broadway, .film, .game, .games, .juegos,  
.movie, .music, .software, .song, .tunes,  
.fashion (and IDN equivalent), .video,  
.app, .art, .author, .band, .beats, .cloud  
(and IDN equivalent), .data, .design,  
.digital, .download, .entertainment,  
.fan, .fans, .free, .gratis, .discount, .sale,  
.hiphop, .media, .news, .online, .pictures,  
.radio, .rip, .show, .theater, .theatre,  
.tour, .tours, .tvs, .video, .zip

### **Professional Services:**

.accountant, .accountants, .architect,

## **Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)**

### **Health and Fitness:**

.pharmacy, .surgery, .dentist, .dds,  
.hospital, .medical, .doctor

### **Financial:**

.bank, .banque, .creditunion, .creditcard,  
.insurance, .ira, .lifeinsurance,  
.mutualfunds, .mutuelle,  
vermogensberater, and .versicherung  
.autoinsurance, .carinsurance

### **Gambling:**

.bet, .bingo, .lotto, .poker, .spreadbetting,  
.casino

### **Charity:**

.charity (and IDN Chinese equivalent)

### **Education:**

.university

### **Professional Services:**

.abogado, .attorney, .cpa, .dentist, .dds,

# GAC Advice Response Form for Applicants



.associates, .broker, .brokers, .engineer,  
.legal, .realtor, .realty, .vet, .engineering,  
.law

.lawyer, .doctor

## Corporate Identifiers:

.limited

## Corporate Identifiers:

.corp, .gmbh, .inc, .lie, .lip, .ltda, .ltd, .sarl,  
.srl, .sal

## Generic Geographic Terms:

.town, .city, .capital  
.reise, .reisen  
.weather

## Special Safeguards Required

### Potential for Cyber Bullying/Harassment (Category 1 Safeguards 1-9 applicable):

.fail, .gripe, .sucks, .wtf

### Inherently Governmental Functions (Category 1 Safeguards 1-8 and 10 applicable)

.army, .navy, .airforce

## Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring 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.***
2. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.***
3. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements ***a provision requiring that 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.***
4. ***Registry operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.***

5. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, 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.

6. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant possesses any necessary authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string.***

7. ***If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.***

8. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring Registrants to report any material changes to the validity of the Registrants' authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string 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.***

**[APPLICABLE WHERE "SPECIAL SAFEGUARDS REQUIRED" NOTED ABOVE.]**

9. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

10. Registry operator will include a provision in its Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant will take reasonable steps to avoid misrepresenting or falsely implying that the Registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.***

.SARL is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** corporate identifier extension and .CREDITCARD is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** financial extension, which would require the implementation of "further targeted safeguards," which the GAC advised the Board in the Beijing Communiqué, as follows:

1. 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:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance 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.

.SARL is a commonly used acronym that represents limited liability companies located in various jurisdictions around the globe, primarily Europe and Latin America. This acronym is not a generic word, nor is it used in context other than signifying a business entity designation. For this reason, consumers believe that entities bearing the extension of .SARL is a registered business entities which has the authority to conduct commerce transactions within their applicable jurisdiction. Business fraud is of top concern by allowing criminals to register .SARL domains unchecked and unverified with the regulating entity and in no way promotes a secure and stable Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/sarl-2014-07-03-en>).

.CREDITCARD is a financial identifier string included in the Category 1 GAC safeguards. This acronym is not a generic word, nor is it used in contest other than for conveying financial credit by an approved lending institution. Online credit card and identity theft is one of the top Internet crimes in history and allowing criminals to register .CREDITCARD domains unchecked and unverified is in no way promotes a secure Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/creditcard-2014-03-20-en>).

The public's perceptions and beliefs evolving around use of the Category 1 strings, especially corporate identifier and financial strings, drive the immediate need for sufficient enforceable safeguards, at both the registry and registrar levels, to create a secure and safe online environment for consumers and businesses alike and to preemptively safeguard against harm from preying criminals just waiting for opportunity to exploit and profit.

The New gTLD Program Committee (NGPC) responded to the GAC's warnings by implementing Public Interest Commitments (PICS) a process that they assured the GAC would protect consumers, regulatory authorities and provide binding, enforceable agreements which

# GAC Advice Response Form for Applicants



respect the concerns of the GAC. PICs allowed registry applicants to add additional safeguards and enforcements mechanisms to their applications in order to add additional security and public safety mechanisms on opt of GAC standards.

As of present, both .SARL and .CREDITCARD domains are publicly available for registration. Both extensions have open registration policies which allow anyone to self-certify they have the authority to register .SARL and .CREDITCARD domains without registration verifications or cross-checks with governing authorities who oversee these designations, the very exact thing that the GAC warns against in all of their communiqués over the last two years. In a random sampling study, several .SARL and .CREDITCARD domains were purchased from the top 5 largest registrars, a including registrars affiliated by the registry operator of .SARL and .CREDITCARD. In fact, we found that donuts.sarl redirects to Donuts' home page, which we question they are authorized or organized as an official SARL in order to comply with Specification 11 of the Registry Agreement with ICANN. The study examined what, if any, verification or safeguards have been implemented to protect consumers. The results of the study were shocking. Out of all registrars sampled, not one contained any form of attestation, including a mandated click through box accepting any special terms, from the registrant that they were authorized by the appropriate governing entity to register such name. Further, the study found no direct information to inform the potential registrant of any specific restrictions around register a .SARL or .CREDITCARD domain name. All sampled registrars approved the .SARL and .CREDITCARD registrations and a website was published without any verification or validation, except for validation of the account email address post registration. Further, we saw no steps to implement any cross-checks of the registration(s) with the governing entity which authorizes or oversees such registrations in the appropriate jurisdiction. The conclusion of the study found that anyone can register a .SARL or .CREDITCARD name based on self certification of data and without any mechanism to check the integrity or validity of such data.

Nowhere in the .SARL or the .CREDITCARD Registry Agreement for operating these Category 1 strings is there any requirements for: (1) advance verification of an entities registration; (2) enforceable safeguards for fraudulent registrations; (3) collaboration with appropriate jurisdictional government entities to verify or maintain registration data accuracy; (4) or any accountable measures in relation to any online business identity misrepresentation that could occur based off the open registration of these domains. Public Interest Commitments (PICs) for both .SARL and .CREDITCARD (see attached) at best impose little burden on registrars to implement any technical mechanisms to validate or cross-check a potential registrant to ensure validity of registration data or authority by a regulatory to register the string.

In the most recent GAC advice issued at ICANN 51 in Los Angeles, CA, the GAC calls the NGPC to task with regards to not providing concrete responses to the GAC request for Category I strings (see <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>), which states

**Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

The GAC remains concerned that the NGPC has not adopted certain specific GAC proposals on safeguards applicable to new gTLDs set forth in the London Communiqué. In its September 2, 2014 response to the GAC's advice and questions regarding implementation of the safeguards, the NGPC appeared to accept GAC advice and respond to the GAC's questions. In substance, however, the NGPC's response clearly indicates the NGPC believes certain elements of the GAC's advice would be challenging to implement. Moreover, the NGPC has deferred a concrete response on many key aspects of the implementation of the GAC advice.

The GAC raised vital consumer protection issues in the Beijing, Singapore, and, most recently, London Communiqués, which help establish an environment of trust for these new domains as they are delegated. It is urgent to address these issues now because contracts for many new gTLDs have already been signed. Accordingly,

**a. The GAC strongly advises the ICANN Board to focus its attention on the following:**

i. Implementation of WHOIS Related-Safeguards

1. Provide the GAC with a comprehensive scorecard indicating steps and timelines regarding all streams of work related to the WHOIS accuracy safeguard;
2. Complete the Pilot study on WHOIS accuracy, including assessment of identity validation, and share the findings in a timely manner for review at the ICANN 52 meeting;
3. Initiate steps towards Phase 3 (identity verification) of WHOIS, including undertaking a cost-benefit analysis of implementation options; and
4. Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.

ii. Security Risks

1. Inform the GAC and provide GAC members an opportunity to contribute inter-sessionally about the ongoing consultation on the framework for Registries to respond to security risks;
2. Inform the GAC of the findings of this consultation no later than three weeks before the ICANN 52 meeting; and
3. Ensure an interim mechanism is in place to effectively respond to security risks.

iii. Public Interest Commitment Dispute Resolution Process

1. Modify the dispute resolution process to ensure that noncompliance is effectively and promptly addressed, in particular for cases requiring urgent action.

iv. Verification and Validation of Credentials for Category 1 Strings Associated with Market Sectors with Clear and/or Regulated Entry Requirements



1. Reconsider the NGPC's determination not to require the verification and validation of credentials of registrants for the highly regulated Category 1 new gTLDs. The GAC believes that for the limited number of strings in highly regulated market sectors, the potential burdens are justified by the benefits to consumers; reconsider the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and reconsider the requirement to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials; and
  2. Ensure the issues (verification/validation; post-registration checks; consultation with authorities) are addressed in the review process for any subsequent rounds of new gTLDs.
- v. Category 2 Safeguards: Ensuring Non-Discriminatory Registration Policies
1. Amend the PIC specification requirement for Category 2 new gTLDs to include a non-discriminatory requirement to provide registrants an avenue to seek redress for discriminatory policies.

This study provides tangible example of the NGPC's lack of concern and implementation of adequate security mechanisms in relation to consumer protection issues through the issuance of .SARL and .CREDITCARD without appropriate due diligence. It is not acceptable for the NGPC to act in ways that are detrimental to the overall stability and security of the Internet, especially which could result in widespread harm of Internet stakeholders, industry and consumers. With additional Category I strings getting delegated daily, the NGPC no longer has the luxury of applying a trial and error method of GAC Advice enforcement. Time is of the essence to act fast to avoid irreparable harm from occurring.

As an applicant for several corporate identifier extensions Dot Registry, LLC has devoted the last two years to solidifying verification and accountability mechanisms which uphold not only the pledges made in our applications, but additionally the GAC standards. Contrary to ICANN's core mission and values to promote the security and stability of the Internet, they have blatantly been opposed to our applications which serve to protect consumers, our community, and the Internet as a whole. By their purposeful and deliberate actions, it is unequivocally clear that ICANN nor the NGPC are going to take responsibility for ensuring adequate security measures are implemented for Category 1 strings. These clear and compelling examples in our study drive home the need for your immediate action in order to restore stability and security to the Internet in Category 1 string delegation and operation. ICANN needs to be held accountable for its actions and inactions and we look to you to bring this matter the proper attention deserved. Without it, we could not begin to even speculate the ripple effect this will have on the security and stability of the Internet moving forward. Now is the time to act, as ICANN highly desires to take over the IANA function, which will free ICANN from the oversight of the U.S. Department of Commerce.

Thank you for your time.



# GAC Advice Response Form for Applicants



**DOT REGISTRY LLC**

Shaul Jolles  
CEO

# GAC Advice Response Form for Applicants



The Governmental Advisory Committee (GAC) has issued further advice to the ICANN Board of Directors regarding New gTLD applications. Please see Section IV of the [GAC Los Angeles Communiqué](#) for the full list of advice.

Respondents should use this form to ensure their responses are appropriately tracked and routed to the ICANN Board for its consideration. Please 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 Los Angeles GAC Advice” (for example “1-111-11111 Response to Los Angeles GAC Advice”). All GAC Advice Responses to the GAC Los Angeles Communiqué must be received no later than 23:59:59 UTC on 17 November 2014.

Please note: This form will be publicly posted. Please do not include in this form any information that you do not want posted.

## Respondent:

Applicant Name	Dot Registry, LLC
Application ID	1-880-39342
Applied for TLD (string)	CORP

## Response:

Dot Registry, LLC commends the Government Advisory Committee’s (GAC) continued effort to make the New gTLD Program Committee (NGPC) accountable for creating and implementing sustainable protection mechanisms for Category 1 and Category 2 strings. As the GAC notes in its Los Angeles Communiqué, it is not acceptable for the NGPC to continue to defer making “concrete responses” in regards to the implementation of the GAC’s proposed accountability mechanisms. In choosing to not act on the items that the NGPC deems “challenging to implement,” the NGPC is failing to protect registrants, end users, and the community at large. As the GAC notes in its Los Angeles Communiqué, the long-term risks associated with the irresponsible issuance of these Category 1 and Category 2 extensions far outweighs the temporary burden of implementing the advice.

It has been over three years since the GAC first announced the need for increased protections for Category 1 and Category 2 strings and still the NGPC has failed to create policies to uphold the GAC standards for verification of these extensions. This is not acceptable. The GAC has been repetitively clear and it is no longer a time to be patient and delay implementing the GAC advice any further. With countless new gTLDs going live every month, the sense of urgency for these protections has reached an all-time high and it is time for the NGPC to heed the GAC’s warnings and build a solid “environment of trust” in order to achieve a long-term sustainable system of operations for registries of Category 1 and Category 2 Strings.

With the IANA transfer rapidly proceeding, it would be impossible for ICANN to put its best foot forward in all areas, showing the world that the ICANN Bylaws, which call for transparency, accountability, and operational governance, support Internet accountability, transparency and

## GAC Advice Response Form for Applicants



stability. ICANN's Bylaws are a working document that is supported across the entire ICANN platform, which includes all stakeholder groups. It is our hope that NGPC's consistent inability to create concrete enforcement mechanisms and the continued attempt to pacify the GAC with non-committal, vague responses is not a reflection of ICANN's governance documents nor its overall core mission and values to support and promote the security and stability of the DNS. With this newest call to action by the GAC, the NGPC will reflect on its duties as a public steward of this program and come to the table with acceptable enforcement mechanisms that will be universally applied to all registries. ICANN serves the public in operating the DNS and cannot afford to take a reactive versus a proactive approach to securing Category 1 and Category 2 new gTLD strings. The NGPC cannot afford look the other way in regards to implementing GAC safeguards just because Category 1 and Category 2 applicants are in a hurry to launch their strings. To do so, ICANN would jeopardize the security and stability of the DNS, violate its own Bylaws, cause harm to the general public, and jeopardize the integrity of this and future new gTLD programs.

As the only community applicant for the Category 1 strings .INC, .LLC, .LLP, and .CORP, Dot Registry is acutely aware of the potential risks associated with the implementation of these extensions. Prior to Dot Registry submitting its applications for these strings, Dot Registry worked diligently to create pre-verification mechanisms and registration policies that not only protect the communities Dot Registry represents and the general public, but also look ahead to combat business identity theft, build confidence amongst consumers, and create long-term accountability procedures which build Internet security, stability and integrity, in alignment with ICANN's core mission and values.

In the United States, the designations of INC, LLC, LLP, and CORP are regulated by the incorporating State and imply a level of trust amongst consumers. These abbreviations indicate a business' right to conduct commerce transactions within the United States and provide consumers with a level of comfort in choosing whom to patronize. As brick and mortar businesses fade into the past, and consumers turn their focus to finding goods and services online, it becomes increasingly important to verify that businesses are representing themselves accurately online, especially those involving ecommerce and financial transactions.

Dot Registry has worked very closely with the Secretaries of State across the United States to create registration guidelines, enforcement mechanisms, and protection protocols that protect its community and Internet end users. Dot Registry's applications not only align with the GAC's advice, they enforce the state policies associated with business formation and entity reporting requirements within the United States. Through Dot Registry's ongoing relationship with the Secretaries of State and the National Association of Secretaries of State (NASS), Dot Registry has fine-tuned the pre-verification process, as described in its ICANN applications, and is proud of the integrity that these extensions would represent if operated through its Registry.

Should Dot Registry be awarded these corporate identifier strings, registrations would be restricted to members of the registered United States Business Community, as pre-verified through Dot Registry's registration process and continuously monitored. Dot Registry believes

# GAC Advice Response Form for Applicants



in transparency and accountability in reporting and is the only viable applicant to operate these extensions who provides clear processes for verification, proactive abuse mitigation and has established a firm bond with the regulatory bodies who oversee these entity designations. The issuance of these strings without security mechanisms and cooperation of all state regulators would not only be confusing and damaging to the public, it could serve to create long term disguises for fraudulent business activity and shell corporations.

Over the years, NASS has issued several letters to ICANN calling for the necessity of supporting GAC advice in regards to Category 1 safeguards and additionally its belief in the Community Application Process. In June 2014, NASS joined Dot Registry in filing a Reconsideration Request with the ICANN's Board Governance Committee (BGC), which called into question the scoring of Dot Registry's applications during the Community Priority Evaluations (CPEs) in which it participated, the impartiality of the CPE evaluators and the inconsistencies between the CPE results and the CPE scoring criteria set forth in ICANN's gTLD Applicant Guidebook. Although the BGC denied NASS and Dot Registry's Reconsideration Request, it is apparent in the Los Angeles Communiqué that the GAC shares similar concerns about the CPE process. The rejection and misapplication of CPE guidelines is not a trivial problem called into question by disappointed applicants wishing for improved scoring. Dot Registry would encourage the NGPC to heed the GAC's request to review the CPE program and to take responsibility for CPE evaluators' interpretation and application of the CPE scoring criteria in order to ensure that the criteria are applied consistently.

Dot Registry is sympathetic to the growing pains of such a new and robust gTLD expansion program, but it has lost patience with the NGPC's inability to rise to the occasion and heed the GAC's advice. The GAC advice represents well-founded concerns that deserve not only consideration but implementation. Without the application of sustainable accountability mechanisms, the new gTLD program will fail to protect consumers, registrants and registries appropriately. The NGPC no longer has the luxury of delaying the development of these procedures and it is Dot Registry's hope that the Los Angeles Communiqué will act as a catalyst for Applicants, Stakeholders, and End Users to hold the NGPC accountable to the GAC.

This week several strings identified as Category 1 and Category 2 strings have become available for public sale. Below please find our recent letter to the Missouri Secretary of State in regards to the lack of verification and accountability assigned to those extensions. The below examples represent the tangible proof that the GAC advice has not been heeded or applied. The delegation of these extensions combined with the NGPC's failure to implement the appropriate safeguards and enforcement mechanisms will result in paramount consumer harm. Actions must be taken immediately to curb any additional risk.

Dot Registry Letter to Jason Kander, Missouri Secretary of State

November 14, 2014

Missouri Secretary of State

# GAC Advice Response Form for Applicants



Attn: Jason Kander  
600 West Main Street  
Jefferson City, MO 65191  
+1.573.751.4936  
Email: [info@sos.mo.gov](mailto:info@sos.mo.gov)

**Re: Implementation issues with corporate and financial category 1 Highly-regulated Sectors/Closed Entry strings**

Today, we bring forth grave concerns in relation to the Internet Corporation for Assigned Names and Numbers (ICANN) new gTLD Category 1 string safeguards and the delegation of those corporate and financial strings without adequate consumer, business, financial and government regulator protections, as required by ICANN in Section 11, Public Interest Commitments (PICs), in the Registry Agreement. This matter shakes the foundation on which ICANN has built the Internet upon. The facts support our concerns and those that should concern you, as well.

On April 11, 2013, the Government Advisory Committee (GAC) issued the Beijing Communiqué (see <http://newgtlds.icann.org/en/applicants/advisories/gac-cat1-advice-19mar14-en>) expressing clear opinions in regards to strings that are linked to “regulated or professional sectors.” The GAC believes that these extensions, which are classified as Category 1 Strings, are “likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm.” The GAC further advised the ICANN Board to ensure the following safeguards to apply to strings that related to these sectors:

1. Registry operators will include in its acceptable use policy that registrants 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.
2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.
3. Registry operators will require that 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.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants must be required by the registry operators to notify to them a single point of contact which must be kept up-to-date, 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.

Further the NGPC, via Resolution No. 2014.02.05.ng01 (found at: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>), has identified the following non-exhaustive list of strings that the above safeguards should apply to:

**Regulated Sectors/Open Entry**

**Highly-regulated Sectors/Closed Entry**

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## Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)

### **Children:**

.kid, .kids, .kinder, .game, .games,  
.juegos, .play, .school, .schule, .toys

### **Environmental:**

.earth, .eco, .green, .bio, .organic

### **Health and Fitness:**

.care, .diet, .fit, .fitness, .health,  
.healthcare, .heart, .hiv, .med, .organic,  
.rehab, .clinic, .healthy (IDN Chinese  
equivalent), .dental, .physio

### **Financial:**

.capital, .cash, .cashbackbonus, .broker,  
.brokers, .claims, .exchange, .finance,  
.financial, .fianancialaid, .forex, .fund,  
.investments, .lease, .loan, .loans,  
.market, .markets, .money, .pay, .payu,  
.retirement, .save, .trading, .credit,  
.insure, .netbank, .tax, .travelersinsurance,  
.vermogensberatung, .mortgage, .reit

### **Charity:**

.care, .gives, .giving

### **Education:**

.degree, .mba

### **Intellectual Property:**

.audio, .book (and IDN equivalent),  
.broadway, .film, .game, .games, .juegos,  
.movie, .music, .software, .song, .tunes,  
.fashion (and IDN equivalent), .video,  
.app, .art, .author, .band, .beats, .cloud  
(and IDN equivalent), .data, .design,  
.digital, .download, .entertainment,  
.fan, .fans, .free, .gratis, .discount, .sale,  
.hiphop, .media, .news, .online, .pictures,  
.radio, .rip, .show, .theater, .theatre,  
.tour, .tours, .tvs, .video, .zip

### **Professional Services:**

.accountant, .accountants, .architect,

## Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)

### **Health and Fitness:**

.pharmacy, .surgery, .dentist, .dds,  
.hospital, .medical, .doctor

### **Financial:**

.bank, .banque, .creditunion, .creditcard,  
.insurance, .ira, .lifeinsurance,  
.mutualfunds, .mutuelle,  
vermogensberater, and .versicherung  
.autoinsurance, .carinsurance

### **Gambling:**

.bet, .bingo, .lotto, .poker, .spreadbetting,  
.casino

### **Charity:**

.charity (and IDN Chinese equivalent)

### **Education:**

.university

### **Professional Services:**

.abogado, .attorney, .cpa, .dentist, .dds,

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.associates, .broker, .brokers, .engineer,  
.legal, .realtor, .realty, .vet, .engineering,  
.law

.lawyer, .doctor

## Corporate Identifiers:

.limited

## Corporate Identifiers:

.corp, .gmbh, .inc, .lie, .lip, .ltda, .ltd, .sarl,  
.srl, .sal

## Generic Geographic Terms:

.town, .city, .capital  
.reise, .reisen  
.weather

## Special Safeguards Required

### Potential for Cyber Bullying/Harassment (Category 1 Safeguards 1-9 applicable):

.fail, .gripe, .sucks, .wtf

### Inherently Governmental Functions (Category 1 Safeguards 1-8 and 10 applicable)

.army, .navy, .airforce

## Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring 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.***
2. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.***
3. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements ***a provision requiring that 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.***
4. ***Registry operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.***



5. Registry operators will include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, 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.

6. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant possesses any necessary authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string.***

7. ***If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.***

8. Registry operators will include a provision in their Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring Registrants to report any material changes to the validity of the Registrants' authorisations, charters, licenses and/or other related credentials for participation in the sector associated with the Registry TLD string 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.***

**[APPLICABLE WHERE "SPECIAL SAFEGUARDS REQUIRED" NOTED ABOVE.]**

9. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

10. Registry operator will include a provision in its Registry-Registrar Agreements that ***requires Registrars to include in their Registration Agreements a provision requiring a representation that the Registrant will take reasonable steps to avoid misrepresenting or falsely implying that the Registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.***

.SARL is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** corporate identifier extension and .CREDITCARD is a Category 1 **Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions** financial extension, which would require the implementation of "further targeted safeguards," which the GAC advised the Board in the Beijing Communiqué, as follows:

1. 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:

6. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.
7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance 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.

.SARL is a commonly used acronym that represents limited liability companies located in various jurisdictions around the globe, primarily Europe and Latin America. This acronym is not a generic word, nor is it used in context other than signifying a business entity designation. For this reason, consumers believe that entities bearing the extension of .SARL is a registered business entities which has the authority to conduct commerce transactions within their applicable jurisdiction. Business fraud is of top concern by allowing criminals to register .SARL domains unchecked and unverified with the regulating entity and in no way promotes a secure and stable Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/sarl-2014-07-03-en>).

.CREDITCARD is a financial identifier string included in the Category 1 GAC safeguards. This acronym is not a generic word, nor is it used in contest other than for conveying financial credit by an approved lending institution. Online credit card and identity theft is one of the top Internet crimes in history and allowing criminals to register .CREDITCARD domains unchecked and unverified is in no way promotes a secure Internet nor promotes consumer protections, consistent with GAC advice and the NGPC's adoption of the Category 1 Safeguards and those contained in Specification 11 of the registry's agreement with ICANN (found at: <https://www.icann.org/resources/agreement/creditcard-2014-03-20-en>).

The public's perceptions and beliefs evolving around use of the Category 1 strings, especially corporate identifier and financial strings, drive the immediate need for sufficient enforceable safeguards, at both the registry and registrar levels, to create a secure and safe online environment for consumers and businesses alike and to preemptively safeguard against harm from preying criminals just waiting for opportunity to exploit and profit.

The New gTLD Program Committee (NGPC) responded to the GAC's warnings by implementing Public Interest Commitments (PICS) a process that they assured the GAC would protect consumers, regulatory authorities and provide binding, enforceable agreements which

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respect the concerns of the GAC. PICs allowed registry applicants to add additional safeguards and enforcements mechanisms to their applications in order to add additional security and public safety mechanisms on opt of GAC standards.

As of present, both .SARL and .CREDITCARD domains are publicly available for registration. Both extensions have open registration policies which allow anyone to self-certify they have the authority to register .SARL and .CREDITCARD domains without registration verifications or cross-checks with governing authorities who oversee these designations, the very exact thing that the GAC warns against in all of their communiqués over the last two years. In a random sampling study, several .SARL and .CREDITCARD domains were purchased from the top 5 largest registrars, a including registrars affiliated by the registry operator of .SARL and .CREDITCARD. In fact, we found that donuts.sarl redirects to Donuts' home page, which we question they are authorized or organized as an official SARL in order to comply with Specification 11 of the Registry Agreement with ICANN. The study examined what, if any, verification or safeguards have been implemented to protect consumers. The results of the study were shocking. Out of all registrars sampled, not one contained any form of attestation, including a mandated click through box accepting any special terms, from the registrant that they were authorized by the appropriate governing entity to register such name. Further, the study found no direct information to inform the potential registrant of any specific restrictions around register a .SARL or .CREDITCARD domain name. All sampled registrars approved the .SARL and .CREDITCARD registrations and a website was published without any verification or validation, except for validation of the account email address post registration. Further, we saw no steps to implement any cross-checks of the registration(s) with the governing entity which authorizes or oversees such registrations in the appropriate jurisdiction. The conclusion of the study found that anyone can register a .SARL or .CREDITCARD name based on self certification of data and without any mechanism to check the integrity or validity of such data.

Nowhere in the .SARL or the .CREDITCARD Registry Agreement for operating these Category 1 strings is there any requirements for: (1) advance verification of an entities registration; (2) enforceable safeguards for fraudulent registrations; (3) collaboration with appropriate jurisdictional government entities to verify or maintain registration data accuracy; (4) or any accountable measures in relation to any online business identity misrepresentation that could occur based off the open registration of these domains. Public Interest Commitments (PICs) for both .SARL and .CREDITCARD (see attached) at best impose little burden on registrars to implement any technical mechanisms to validate or cross-check a potential registrant to ensure validity of registration data or authority by a regulatory to register the string.

In the most recent GAC advice issued at ICANN 51 in Los Angeles, CA, the GAC calls the NGPC to task with regards to not providing concrete responses to the GAC request for Category I strings (see <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee>), which states

**Safeguard Advice Applicable to all new gTLDs and Category 1 (consumer protection, sensitive strings and regulated markets) and Category 2 (restricted registration policies) strings**

The GAC remains concerned that the NGPC has not adopted certain specific GAC proposals on safeguards applicable to new gTLDs set forth in the London Communiqué. In its September 2, 2014 response to the GAC's advice and questions regarding implementation of the safeguards, the NGPC appeared to accept GAC advice and respond to the GAC's questions. In substance, however, the NGPC's response clearly indicates the NGPC believes certain elements of the GAC's advice would be challenging to implement. Moreover, the NGPC has deferred a concrete response on many key aspects of the implementation of the GAC advice.

The GAC raised vital consumer protection issues in the Beijing, Singapore, and, most recently, London Communiqués, which help establish an environment of trust for these new domains as they are delegated. It is urgent to address these issues now because contracts for many new gTLDs have already been signed. Accordingly,

**a. The GAC strongly advises the ICANN Board to focus its attention on the following:**

i. Implementation of WHOIS Related-Safeguards

1. Provide the GAC with a comprehensive scorecard indicating steps and timelines regarding all streams of work related to the WHOIS accuracy safeguard;
2. Complete the Pilot study on WHOIS accuracy, including assessment of identity validation, and share the findings in a timely manner for review at the ICANN 52 meeting;
3. Initiate steps towards Phase 3 (identity verification) of WHOIS, including undertaking a cost-benefit analysis of implementation options; and
4. Commit to defining the process to address and resolve inaccurate WHOIS records and respond to non-compliance reports.

ii. Security Risks

1. Inform the GAC and provide GAC members an opportunity to contribute inter-sessionally about the ongoing consultation on the framework for Registries to respond to security risks;
2. Inform the GAC of the findings of this consultation no later than three weeks before the ICANN 52 meeting; and
3. Ensure an interim mechanism is in place to effectively respond to security risks.

iii. Public Interest Commitment Dispute Resolution Process

1. Modify the dispute resolution process to ensure that noncompliance is effectively and promptly addressed, in particular for cases requiring urgent action.

iv. Verification and Validation of Credentials for Category 1 Strings Associated with Market Sectors with Clear and/or Regulated Entry Requirements

1. Reconsider the NGPC's determination not to require the verification and validation of credentials of registrants for the highly regulated Category 1 new gTLDs. The GAC believes that for the limited number of strings in highly regulated market sectors, the potential burdens are justified by the benefits to consumers; reconsider the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and reconsider the requirement to conduct periodic post-registration checks to ensure that Registrants continue to possess valid credentials; and
  2. Ensure the issues (verification/validation; post-registration checks; consultation with authorities) are addressed in the review process for any subsequent rounds of new gTLDs.
- v. Category 2 Safeguards: Ensuring Non-Discriminatory Registration Policies
1. Amend the PIC specification requirement for Category 2 new gTLDs to include a non-discriminatory requirement to provide registrants an avenue to seek redress for discriminatory policies.

This study provides tangible example of the NGPC's lack of concern and implementation of adequate security mechanisms in relation to consumer protection issues through the issuance of .SARL and .CREDITCARD without appropriate due diligence. It is not acceptable for the NGPC to act in ways that are detrimental to the overall stability and security of the Internet, especially which could result in widespread harm of Internet stakeholders, industry and consumers. With additional Category I strings getting delegated daily, the NGPC no longer has the luxury of applying a trial and error method of GAC Advice enforcement. Time is of the essence to act fast to avoid irreparable harm from occurring.

As an applicant for several corporate identifier extensions Dot Registry, LLC has devoted the last two years to solidifying verification and accountability mechanisms which uphold not only the pledges made in our applications, but additionally the GAC standards. Contrary to ICANN's core mission and values to promote the security and stability of the Internet, they have blatantly been opposed to our applications which serve to protect consumers, our community, and the Internet as a whole. By their purposeful and deliberate actions, it is unequivocally clear that ICANN nor the NGPC are going to take responsibility for ensuring adequate security measures are implemented for Category 1 strings. These clear and compelling examples in our study drive home the need for your immediate action in order to restore stability and security to the Internet in Category 1 string delegation and operation. ICANN needs to be held accountable for its actions and inactions and we look to you to bring this matter the proper attention deserved. Without it, we could not begin to even speculate the ripple effect this will have on the security and stability of the Internet moving forward. Now is the time to act, as ICANN highly desires to take over the IANA function, which will free ICANN from the oversight of the U.S. Department of Commerce.

Thank you for your time.

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**DOT REGISTRY LLC**

Shaul Jolles  
CEO