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**GAC Category 1 Strings
(28 January 2014)**

Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)	Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 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, .heart, .hiv, .rehab, .clinic, .healthy (IDN Chinese equivalent), .dental, .physio, .healthcare, .med, .organic	Health and Fitness: .pharmacy, .surgery, .dentist, .dds, .hospital, .medical, .doctor
Financial: capital, .cash, .cashbackbonus, .broker, .brokers, .claims, .exchange, .finance, .financial, .forex, .fund, .investments, .lease, .loan, .loans, .market, .markets, .money, .pay, .payu, .retirement, .save, .trading, .credit, .insure, .netbank, .tax, .travelersinsurance, .financialaid, .vermogensberatung, .mortgage, .reit	Financial: .bank, .banque, .creditunion, .creditcard, .insurance, .ira, .lifeinsurance, .mutualfunds, .mutuelle, .vermogensberater, and .versicherung, .autoinsurance, .carinsurance
	Gambling: .bet, .bingo, .lotto, .poker, .spreadbetting, .casino
Charity: .care, .gives, .giving	Charity: .charity (and IDN Chinese equivalent)
Education: .degree, .mba	Education: .university
Intellectual Property: .audio, .book (and IDN equivalent), .broadway, .film, .game,	

Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)	Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)
.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, .associates, .broker, .brokers, .engineer, .legal, .realtor, .realty, .vet, .engineering, .law	Professional Services: .abogado, .attorney, .cpa, .dentist, .dds, .lawyer, .doctor
Corporate Identifiers: .limited	Corporate Identifiers: .corp, .gmbh, .inc, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal
Generic Geographic Terms: .capital .town, .city	
.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.

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Text Superseded by Letter from Stephen D. Crocker to Mehdi Abbasnia dated 7 February 2014: <http://www.icann.org/en/news/correspondence/crocker-to-abbasnia-07feb14-en.pdf>

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Text Superseded by Letter from Stephen D. Crocker to Mehdi Abbasnia dated 7 February 2014: <http://www.icann.org/en/news/correspondence/crocker-to-abbasnia-07feb14-en.pdf>

ICANN New gTLD Program Committee REFERENCE MATERIAL (Info Paper)

NO. 2014.02.05.NG2b

TITLE: GAC Advice on Rights Protection Mechanisms

PROPOSED ACTION: For Information

EXECUTIVE SUMMARY:

At its meeting in Buenos Aires, the GAC issued advice concerning launch programs in new gTLDs, as follows:

Special Launch Program for Geographic and Community TLDs

The GAC recognizes the importance of the priority inclusion of government and locally relevant name strings for the successful launch and continued administration of community and geographic TLDs.

The GAC appreciates that the Trademark Clearinghouse (TMCH) is an important rights protection mechanism applicable across all the new gTLDs and has an invaluable role to fulfill across the new gTLD spectrum as a basic safety net for the protection of trademark rights.

a. The GAC Advises the ICANN Board:

- i. that ICANN provide clarity on the proposed launch program for special cases as a matter of urgency.

To provide additional clarity, ICANN posted the Approved Launch Program Application Review Guidelines on 19 December 2013 (see <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf>).

Rights Protection in the New gTLD Program

The New gTLD Program was built to include a set of rights protection mechanisms for the new gTLD namespace. This is a significant feature of the program, and the set of mechanisms reached were developed by many stakeholders, including the GAC. For example, all new gTLD registries are required to offer a Sunrise Period (to provide an early opportunity for rights holders to request domain names in a TLD before they are generally available to the public), as well as a Trademark Claims service operated during at least the first 90 days of general registration (this provides notifications to registrants

and to affected rights holders when names are registered). These services are supported by a Trademark Clearinghouse that has been designed and implemented to serve rights holders and registries during the startup phases of a TLD. Additional mechanisms, such as the UDRP and URS, remain available once the startup phases of a TLD have been concluded.

Registry Agreement

The Registry Agreement provides that all new gTLD registries must provide the Sunrise and Trademark Claims services in accordance with the requirements specified by ICANN. This is in line with the GAC's advice that both Sunrise and Trademark Claims should be mandatory. The business and technical requirements for these services are contained in the Rights Protection Mechanism (RPM) Requirements, which are incorporated into Specification 7 to the Registry Agreement. These include requirements such as, for example, technical testing processes, minimum notice periods, timeframes, and registration restrictions, as well as technical specifications.

Developing the RPM Requirements

The RPM Requirements have been developed with community input, and provide specificity around the registry and registrar implementation of Sunrise and Claims services. The goal in developing this set of requirements was to create a standard process across TLDs, balanced with sufficient flexibility for registry business models. That is, the objective is for registries to have discretion to carry out their individual launch plans, so long as the minimum requirements and rights protection objectives are met. Significant care was taken to ensure that the requirements would not undermine the rights protections which were a significant part of the program.

ICANN has continued to educate the community on these requirements, including a webinar in November 2013 and publication of an FAQ, as well as responding to questions received from applicants via the Customer Service Center.

Requesting an Approved Launch Program

Registries have flexibility to institute additional priority registration periods (known as “Limited Registration Periods”) following the Sunrise to accomplish TLD-specific objectives. Generally, ICANN encourages applicants to work within this framework rather than seek approval for deviations as launch programs. However, the RPM Requirements do allow for requests to offer launch programs that would not otherwise be permitted under the requirements.

Requests carry a presumption of approval when either: (a) the proposed launch program was clearly specified in detail in the application and no concerns have been raised concerning the program, or (b) a launch program has been approved previously for similar circumstances. However, ICANN reserves the right to consider any request on a case-by-case basis. The review guidelines used by ICANN have been published (see <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf>). This includes the set of factors that are balanced by ICANN when reviewing requests submitted under the process.

Some registries have submitted requests for Approved Launch Programs; these are currently under consideration by ICANN. Any Approved Launch Programs will be posted along with the relevant Registry Agreements on ICANN’s website.

Approved Geo Launch Program

In addition to the above, the RPM Requirements provide that, if applicants should work with intellectual property stakeholders to develop and propose a program that could apply to all “geoTLDs,” this could be incorporated into the RPM Requirements where appropriate. If guidelines for such a program were agreed on, this could streamline the process by obviating a number of individual requests. If no such program is developed, registries may continue to submit individual requests as described above.

Qualified Launch Program

In addition to the above, the requirements provide that a process may be developed to permit allocation of up to 100 names pre-Sunrise for the purposes of promoting the TLD. This would be available to any new gTLD registry operator. Staff is working to develop a proposal for a Qualified Launch Program that would be feasible and take appropriate account of intellectual property rights. If no general program is developed, registries may submit individual requests under the Approved Launch Program process above.

STAFF RECOMMENDATION:

Additional clarity has been provided in line with the GAC advice. No further action is recommended at this time.

Signature Block:

Submitted by: Karen Lentz

Position: Director, Operations & Policy Research

Date Noted: 24 Jan 2014

Email: karen.lentz@icann.org

Heather Dryden
Chair, Governmental Advisory Committee
29 October 2013

Re: GAC Advice re .SPA

Dear Heather,

In the Governmental Advisory Committee's Buenos Aires Communiqué, the GAC advised the ICANN Board, "[n]ot to proceed beyond initial evaluation until the agreements between the relevant parties are reached" for "[t]he applications for .spa (application number 1-1309-12524 and 1-1619-92115)." The New gTLD Program Committee seeks clarification on two aspects of the GAC's advice.

First, the Buenos Aires advice references "relevant parties" who may reach an agreement that would allow the applications to move forward. It does not indicate who the "relevant parties" may be. The NGPC seeks GAC identification of the "relevant parties."

Second, the GAC first advised against moving forward with processing of the .SPA applications in the Beijing Advice (11 April 2013). It repeated that advice in the Durban Communiqué (18 July 2013) and again in the Buenos Aires Communiqué (20 November 2013). The application was posted more than 18 months ago and received no early warnings or objections. As there is no provision in the Applicant Guidebook for an indefinite hold, the NGPC seeks an understanding as to the anticipated timeline leading to the issuance of final GAC advice on these applications.

Best regards,

Stephen D. Crocker,
Chair, ICANN Board of Directors

Text Superceded by Letter from Stephen D. Crocker to Heather Dryden dated 10 February 2014: <http://www.icann.org/en/news/correspondence/crocker-to-dryden-10feb14-en.pdf>

Text Superseded by Letter from Stephen D. Crocker to Heather Dryden dated 10 February 2014: <http://www.icann.org/en/news/correspondence/crocker-to-dryden-10feb14-en.pdf>

Attachment A

GAC Briefing Regarding Generic Strings

xx February 2014

In its Buenos Aires Communiqué, the GAC requested a written clarification of “how strings are identified as being generic.” This request relates to advice in the Beijing Communiqué where the GAC advised that, “For strings representing generic terms, exclusive registry access should serve a public interest goal.” The GAC also identified a list of strings in the current round that it considered to be generic terms where the applicant is proposing exclusive registry access.

This briefing is being provided to the GAC to provide additional background on how strings are identified as being generic, and the steps ICANN has taken to address the GAC’s advice.

Generic String Defined

The NGPC identified generic strings by first defining the term in the New gTLD Registry Agreement. As provided in Section 3.d. of Specification 11, a “generic string” means “a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others. For example, the applied-for string .MANGO would not be considered a generic string because the applicant is using the string to distinguish its specific brand of clothing and accessories. However, the string could be considered a generic string if it were instead used in the context of mango growers, for example.

Applicant Outreach

ICANN reached out to applicants of the generic strings that the GAC specifically identified as generic in its Category 2 Safeguard advice. As noted in our 29 October 2013 letter to the GAC Chair, ICANN contacted the 186 applicants for generic strings identified in the GAC’s Category 2 Safeguard advice. The applicants were asked to indicate whether the applied-for generic string would be operated as an exclusive access registry. Only a small portion of the applicants (i.e. twelve) responded that the TLD would be operated as an exclusive access registry. For these twelve applicants, ICANN has requested that the applicants provide an explanation for how the proposed exclusive registry access for the generic string serves a public interest goal. The responses are due 17 January 2014 and will be forwarded to the NGPC and GAC for consideration.

Because of the way the New gTLD Registry Agreement is drafted, it was not necessary to reach out to every new gTLD applicant. Section 3.d. of Specification 11 prohibits registry operators of generic strings from imposing exclusive registry access (i.e. imposing eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person’s or entity’s

Attachment A

“Affiliates” [as defined in Section 2.9(c) of the Registry Agreement].) This restriction serves to ensure that generic strings not otherwise specifically identified in the GAC advice would not be able to provide exclusive registry access. A registry operator of a generic string operating as an exclusive access registry would be in violation of the Registry Agreement and subject to the contractual compliance enforcement mechanisms. Moreover, the restriction is included in the Public Interest Commitments Specification and may be enforced through the Public Interest Commitments Dispute Resolution Process.

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Attachment B

GAC Briefing Regarding Restricted Access Registries

xx February 2014

At its meeting in Buenos Aires, the GAC requested a written briefing on “whether the Board considers that the existing PIC Specifications (including 3c) fully implements the GAC’s Beijing advice on ‘Restricted Access’ registries, particularly with regard to the need to avoid undue preference and/or undue disadvantage.”

In the Beijing Communiqué, the GAC originally advised that:

As an exception to the general rule that the gTLD domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1 above. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD. The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.

The New gTLD Program Committee of the ICANN Board (“NGPC”) believes that the existing PIC Specification fully implements the GAC’s Beijing advice on restricted access registries when considered in conjunction with the other protections in the New gTLD Registry Agreement. This briefing is being provided to provide additional background and clarity on how the NGPC addressed the GAC’s advice.

Analysis of the Advice

The GAC advice suggests that in some cases registries should be restricted. Particularly, the GAC notes that strings listed in its Category 1 Safeguard Advice may need to be restricted. The GAC advice indicates that restricted registries are an exception to the “general rule” that the “domain name space is operated in an open manner”. The GAC further advised that a registry operator should administer access to restricted TLDs in a “transparent” manner. The advice describes how a registry may achieve transparency, such as not granting an “undue preference” to any registrars or registrants, not subjecting them to “undue disadvantage,” and tailoring the restrictions to be “appropriate for the types of risks associated with the TLD.”

The NGPC understood the GAC’s advice to be a call for transparency, which is fundamental to providing consumers choice in the marketplace, and a goal that ICANN supports. Transparency requires that the community be aware of the restrictions; otherwise, the restrictions may be said to be unjustified or undue.

The GAC advice reiterates this call for transparency when it advised the ICANN Board that “all safeguards highlighted in [the Beijing Communiqué] as well as any other safeguard requested by the ICANN Board and/or implemented by the new

Attachment B

gTLD registry and registrars should... be operated in an open manner consistent with general principles of openness and non-discrimination.”

Implementation of the Advice

The NGPC's implementation of the GAC's advice on restricted access registries should be viewed holistically in the context of all of the changes made to the New gTLD Registry Agreement to address GAC advice. First, the NGPC included specific new language in the Public Interest Commitments (PIC) Specification (Specification 11) to address the advice. The new Section 3.c. states:

Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies.”

The contractual language focuses on transparency because of the central role transparency plays in ensuring that restrictions do not provide undue preferences or subject parties to undue disadvantages. The text of the PIC Specification was crafted to meet the spirit and intent of the GAC's advice in a way that is appropriate as contract language. As a result, it is not verbatim to the GAC advice wording.

Second, by implementing the GAC advice as a contractual obligation in the PIC Specification, the GAC's advice (as implemented) has the weight of a binding contractual obligation that may be enforced through the new dispute resolution mechanism that will be available to a party harmed by a registry operator's failure to comply with such public interest commitments. In this way, there is accountability built into the implementation of the GAC advice.

Finally, the NGPC's response to the GAC advice should be considered alongside the NGPC revisions to the Registry Agreement to address the Category 1 Safeguard advice in the Beijing Communiqué. As stated by the GAC in its advice, and acknowledged by the NGPC in Resolution 2013.07.02.NG07 <<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm#1.c>>, the safeguard advice regarding “Restricted Access” is related “in particular for strings mentioned under category 1”.

Attachment C

GAC Briefing Regarding TLD Launch Programs

xx February 2014

At its meeting in Buenos Aires, the GAC issued advice concerning launch programs in new gTLDs, as follows:

Special Launch Program for Geographic and Community TLDs

The GAC recognizes the importance of the priority inclusion of government and locally relevant name strings for the successful launch and continued administration of community and geographic TLDs.

The GAC appreciates that the Trademark Clearinghouse (TMCH) is an important rights protection mechanism applicable across all the new gTLDs and has an invaluable role to fulfill across the new gTLD spectrum as a basic safety net for the protection of trademark rights.

a. The GAC Advises the ICANN Board:

- i. that ICANN provide clarity on the proposed launch program for special cases as a matter of urgency.

To provide additional clarity, ICANN posted the Approved Launch Program Application Review Guidelines on 19 December 2013 (see <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf>). This briefing is being provided to the GAC to supply some additional background on this topic as well as to note the additional clarifications that have been provided to the community in response to the GAC advice.

Rights Protection in the New gTLD Program

The New gTLD Program was built to include a set of rights protection mechanisms for the new gTLD namespace. This is a significant feature of the program, and the set of mechanisms reached were developed by many stakeholders, including the GAC. For example, all new gTLD registries are required to offer a Sunrise Period (to provide an early opportunity for rights holders to request domain names in a TLD before they are generally available to the public), as well as a Trademark Claims service operated during at least the first 90 days of general registration (this provides notifications to registrants and to affected rights holders when names are registered). These services are supported by a Trademark Clearinghouse that has been designed and implemented to serve rights holders and registries during the startup phases of a TLD. Additional mechanisms, such as the UDRP and URS, remain available once the startup phases of a TLD have been concluded.

Registry Agreement

Attachment C

The Registry Agreement provides that all new gTLD registries must provide the Sunrise and Trademark Claims services in accordance with the requirements specified by ICANN. This is in line with the GAC's advice that both Sunrise and Trademark Claims should be mandatory. The business and technical requirements for these services are contained in the Rights Protection Mechanism (RPM) Requirements, which are incorporated into Specification 7 to the Registry Agreement. These include requirements such as, for example, technical testing processes, minimum notice periods, timeframes, and registration restrictions, as well as technical specifications.

Developing the RPM Requirements

The RPM Requirements have been developed with community input, and provide specificity around the registry and registrar implementation of Sunrise and Claims services. The goal in developing this set of requirements was to create a standard process across TLDs, balanced with sufficient flexibility for registry business models. That is, the objective is for registries to have discretion to carry out their individual launch plans, so long as the minimum requirements and rights protection objectives are met. Significant care was taken to ensure that the requirements would not undermine the rights protections which were a significant part of the program.

Development of the requirements was based on the balancing of input from a number of channels. A draft set of requirements was posted in April 2013, which was discussed during the ICANN meeting in Beijing. Staff continued to seek and review stakeholder feedback, including an open consultation. This feedback was used to develop a revised draft set of RPM Requirements, which was posted for public comment in August 2013. In addition, a set of community-proposed changes were posted for comment. Following the public comment period, ICANN analyzed the feedback and published the RPM Requirements for incorporation into the Registry Agreement in September 2013. ICANN has continued to publicize and educate on these requirements, including a webinar in November 2013 and publication of an FAQ, as well as responding to questions received from applicants via the Customer Service Center.

Requesting an Approved Launch Program

The RPM Requirements provide that a registry may submit requests to offer launch programs that would not otherwise be permitted under the requirements. Such requests carry a presumption of approval when either: (a) the proposed launch program was clearly specified in detail in the application and no concerns have been raised concerning the program, or (b) a launch program has been approved previously for similar circumstances. However, ICANN reserves the right to consider any request on a case-by-case basis.

Attachment C

For additional clarity, a set of review guidelines have been published (see <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf>). This includes the set of factors that are balanced by ICANN when reviewing requests submitted under the process. This document is also included in this briefing as [Attachment C-1](#).

Comment [ER1]: Attach.

Some registries have submitted requests for Approved Launch Programs; these are currently under consideration by ICANN. Any Approved Launch Programs will be posted along with the relevant Registry Agreements on ICANN's website.

Approved Geo Launch Program

In addition to the above, the RPM Requirements provide that, if applicants should work with intellectual property stakeholders to develop and propose a program that could apply to all "geoTLDs," this could be incorporated into the RPM Requirements where appropriate. If guidelines for such a program were agreed on, this could streamline the process by obviating a number of individual requests. If no such program is developed, registries may continue to submit individual requests as described above.

Qualified Launch Program

In addition to the above, the requirements provide that a process may be developed to permit allocation of up to 100 names pre-Sunrise for the purposes of promoting the TLD. This would be available to any new gTLD registry operator. If no general program is developed, registries may submit individual requests under the Approved Launch Program process above.

References

- + Public Comment period on RPM Requirements: <http://www.icann.org/en/news/public-comment/rpm-requirements-06aug13-en.htm>
- + RPM Requirements: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-30sep13-en.pdf>
- + Webinar 6 November 2013: <http://newgtlds.icann.org/en/announcements-and-media/webinars>
- + Answers to Frequently Asked Questions: <http://newgtlds.icann.org/en/about/trademark-clearinghouse/rpm-requirements-faqs-12nov13-en.pdf>

Attachment C

- + Process for Approved Launch Programs:
<http://newgtlds.icann.org/en/announcements-and-media/announcement-12nov13-en>
- + Approved Launch Program Review Guidelines:
<http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf>

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Attachment D

GAC Briefing Regarding Public Policy Implications of Auctions xx February 2014

In its Buenos Aires Communiqué, the GAC requested a written briefing on “the public policy implications of holding auctions to resolve string contention (including community applications).” This briefing is being provided to the GAC to supply additional background on this topic.

An ICANN facilitated auction is a last resort for resolving String Contention Sets, as described in Section 4.3 of the Applicant Guidebook (AGB). As part of the development of the AGB, in August 2008 ICANN commissioned a study presenting the economic case for auctions as a tiebreaking mechanism for resolving String Contention Sets. The study, entitled “Economic Case for Auctions in New gTLDs,” includes discussion of some public policy implications of using auctions to resolve String Contention Sets. The study suggests that auctions “accomplish the goal of allocative efficiency: putting scarce resources into the hands of those who value them the most,” which tends to create greater social value. Also, the study notes that “alternative mechanisms such as comparative evaluations and lotteries inherently have much more severe limitations and defects....”

The study was subject to community scrutiny and feedback during a public comment period, and the community comments included discussion of the public policy implications of using auctions. Some of the key public policy implications of using auctions include: transparency and objectivity and efficiency in both the allocation of resource and the process for allocating the resource. A more detailed discussion of these public policy considerations can be reviewed in the “Economic Case for Auctions in New gTLDs”, which is available at:

<http://archive.icann.org/en/topics/economic-case-auctions-08aug08-en.pdf>



Summary of Applicant Responses to GAC Advice in the Buenos Aires Communiqué

15 January 2014

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Executive Summary

This report is intended to provide a summary of applicant responses to GAC Advice presented in the GAC Buenos Aires Communiqué issued on 20 November 2013¹. Per Section 3.1 of the Applicant Guidebook, ICANN provided all applicants with 21 calendar days to submit a response to the GAC Advice for the ICANN Board's consideration. The deadline for responses was 6 January 2014.

Broadly, the applicants thank the ICANN Board for the opportunity to respond to the GAC Communiqué.

Several of the applicants who were subject to GAC Category 1 Safeguard Advice have indicated that they support the ICANN Board New gTLD Program Committee's proposed implementation plan, dated 29 October 2013², and they have indicated that will be pleased to offer the safeguards as proposed in the plan.

Additionally, respondents indicated their support for the GAC Advice protections for inter-governmental organization acronyms, protection of Red Cross/Red Crescent names, and special launch programs for geographic and community TLDs.

¹ The full list of applicant responses can be accessed at:
<http://newgtlds.icann.org/en/applicants/gac-advice/buenosaires48>

² The implementation plan is described at:
<http://www.icann.org/en/news/correspondence/crocker-to-dryden-3-29oct13-en.pdf>



Solicitation of Responses

In the Buenos Aires Communiqué, the GAC issued advice to the ICANN Board that could affect all applications. ICANN provided all applicants with the opportunity to respond. Responses from 22 applicants pertaining to 136 applications were received, and have been summarized in the “Summary of Responses by Applicant” section.

GAC Advice to the Board in the Buenos Aires Communiqué

The GAC Advice to the Board in the Buenos Aires Communiqué was organized as follows. Applicants were provided with the opportunity to respond to any categories that they chose.

1. Category 1 and Category 2 Safeguard Advice
2. GAC Objections to Specific Applications (ref. Beijing Communiqué 1.c.)
 - 广州 (“Guangzhou” in Chinese)
 - 深圳 (“Shenzhen” in Chinese)
 - SPA
 - YUN
 - AMAZON
3. WINE and .VIN
4. Protection of Inter-Governmental Organizations (IGOs)
5. Special Launch Program for Geographic and Community TLDs
6. Protection of Red Cross/Red Crescent Names
- 7 . .ISLAM and .HALAL

Summary of Responses by Applicant

Bharti Enterprises (Holding) Private Limited

BHARTI, Application ID: 1-1287-43279

[Response](#)



The applicant appreciates the ICANN Board’s consideration of the GAC Advice. The .BHARTI TLD will be used exclusively for its group companies, products, services, campaigns, and partners. The applicant will reserve classes of domain names as required by Specification 5 of the Registry Agreement, and reserve domain names related to ICANN and Internet standards bodies.

Design Trend Registry Inc.

DESIGN, Application ID: 1-2082-69005

[Response](#)

The applicant acknowledges the intent to establish permanent protection of IGO acronyms at the second level. The applicant supports continued discussion between the NGPC and the GAC in this regard. The applicant awaits specific direction in regards to protections for “Red Cross,” “Red Crescent,” and related designations.

The applicant notes that in regards to Category 1 Advice, “DESIGN” was identified in the NGPC’s implementation plan as part of the “Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions” subcategory. The applicant asserts that it is pleased to comply with Safeguards 1-3.

Discover Financial Services

CASHBACKBONUS, Application ID:1-1439-20671

[Response](#)

The applicant applied for the string .CASHBACKBONUS, which is listed in the “Financial” category in the GAC’s Category 1 Safeguard Advice in the Beijing Communiqué. The applicant supports the GAC’s safeguards, but notes that .CASHBACKBONUS will be operated as an exclusive-access registry, rendering the Safeguard Advice inapplicable. Additionally, the applicant notes that the .CASHBACKBONUS string is based on Discover Financial Services’ existing trademark rights. The applicant describes in detail why each of the 8 safeguards in the PIC Specification proposed to implement the Category 1 Safeguard Advice is not applicable to the .CASHBACKBONUS TLD.

Donuts Inc.

102 applications

[Response](#)

Donuts Inc. provided a response to be applied to 102 applications, for which it is the parent company of the applying entities. Donuts asserts that the policy development period for the New gTLD Program is over. GAC Advice should be



considered through the bottoms-up policy development process and should apply to all TLDs, not only applicants for the New gTLD Program.

Donuts supports the GNSO Council's [recommendations](#) regarding protection of IGO and INGO names and acronyms.

Category 1 Strings

Donuts supports the NGPC's proposed implementation plan for addressing GAC Category 1 Advice.

DOCTOR, Application ID: 1-1430-52453

Donuts asserts that the string "DOCTOR" should not be categorized as a gTLD that represents a highly regulated industry. "Doctor" may refer to other types of credentials, and it is used within domain names for business purposes in a variety of industries without causing harm.

WINE, Application ID: 1-1515-14214

VIN, Application ID: 1-1538-23177

Donuts believes that the GAC has finalized its considerations regarding WINE and VIN, and that the applications for WINE and VIN should continue to proceed.

SPA, Application ID: 1-1619-92115

Donuts restates its position as described in its [response](#) to the Durban Communiqué. Donuts asserts that its application for .SPA was not intended to be associated with the City of Spa, and that the purpose of the TLD does not relate to the city. As such, the application should not be "held hostage on the basis of a city government's perceived harm." However, Donuts is working with the City of Spa to provide additional safeguards.

Dot London Domains Limited

LONDON, Application ID: 1-1252-62369

[Response](#)

The applicant supports the GAC's advice on special launch programs for geographic and community TLDs. It urges the ICANN Board and NGPC to provide clarity on the launch program that will protect the priority of government and locally relevant second-level domains.



Dot Registry LLC

CORP, Application ID: 1-880-39342 ([Response](#))

INC, Application ID: 1-880-35979 ([Response](#))

LLC, Application ID: 1-880-17627 ([Response](#))

LLP, Application ID: 1-880-35508 ([Response](#))

LTD, Application ID: 1-880-44249 ([Response](#))

The applicant asserts that it is the only community applicant for several corporate identifier strings identified in the GAC Beijing Communiqué (.CORP, .INC, .LLP, and .LLC). It has worked closely with U.S. Secretaries of State and the National Association of Secretaries of State to develop its registration and enforcement policies. The applicant supports the GAC Advice regarding these strings (i.e., the Category 1 Safeguards), and asserts that the NGPC's proposal is a "step back from what the GAC has asked for related to the registry operation of these strings." The applicant urges the NGPC:

[. . .]to strengthen [its] proposal to ensure that corporate identifier TLDs require stringent registrant verification, have ongoing working relationships with appropriate regulators and reflect the wishes of the community as embodied by the numerous communications [it has] received from the U.S. Secretaries of State and NASS.

Dotimmobilie GmbH

IMMO, Application ID: 1-1761-46474

[Response](#)

The applicant supports the GAC Advice as published in the Buenos Aires Communiqué. Additionally, the applicant supports the proposals to address the Category 1 and Category 2 Safeguard Advice submitted by the NGPC to the GAC and published on 29 October 2013.

DOTPAY SA

PAY, Application ID: 1-1750-33973

[Response](#)

The applicant supports GAC Category 2 Advice, and believes that an open registry model for .PAY serves the public interest. The applicant feels that the PAY string should be subject to GAC Category 2 Advice, and has included "evidence" in the form of an application to trademark "DOT PAY."

Additionally, the applicant feels that the current auction rules benefit portfolio applicants rather than small and innovative applicants. The applicant proposes that a policy be established that would discourage an applicant from routinely resolving



contention through auctions. The applicant's response includes specific detailed suggestions for how to implement this.

Dotreise GmbH

REISE, Application ID: 1-892-71956

[Response](#)

The applicant supports the GAC Advice as published in the Buenos Aires Communiqué. Additionally, the applicant supports the proposals made by the NGPC and published on 29 October 2013.

Dotversicherung-registry GmbH

VERSICHERUNG, Application ID: 1-891-92750

[Response](#)

The applicant supports the GAC Advice as published in the Buenos Aires Communiqué. Additionally, the applicant supports the proposals made by the NGPC and published on 29 October 2013.

Evolving Style Registry Inc.

STYLE, Application ID: 1-2081-48775

[Response](#)

The applicant acknowledges the intent to establish permanent protection of IGO acronyms at the second level. The applicant supports continued discussion between the NGPC and the GAC in this regard. The applicant awaits specific direction in regards to protections for "Red Cross," "Red Crescent," and related designations.

The applicant notes that in regards to Category 1 Advice, "STYLE" was not identified in the NGPC's implementation plan as part of the "Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions" subcategory. However, the applicant feels that the string belongs in that section, and asserts that it is pleased to comply with Safeguards 1-3.

Giving Limited

GIVING, Application ID: 1-1284-21841

[Response](#)

The applicant asserts that it will operate its TLD in a very controlled manner, and will at minimum implement Safeguards 1-3, as proposed to address the Category 1 Safeguard Advice.



HOTEL Top-Level-Domain S.à.r.l.

HOTEL, Application ID: 1-1032-95136

[Response](#)

The applicant asserts that it is committed to operating the community-based TLD “in a transparent manner consistent with general principles of openness and non-discrimination.” The applicant acknowledged Specification 11 of the Registry Agreement.

The applicant urges ICANN to ensure that any Public Interest Commitments or application changes that are made based on safeguards for applications in contention sets are “bindingly implemented and monitored after being approved as a Change Request.”

IEEE Global LLC

IEEE, Application ID: 1-966-50066

[Response](#)

The applicant asserts that it does not believe that it is required to respond to the Buenos Aires Communiqué, but that it appreciates the opportunity comment on the GAC’s meeting with the Brand Registry Group. The applicant supports the Brand Registry Group’s proposal for a streamlined process for the approval of country names and two-letter and character codes at the second level.

myLLC GmbH

LLC, Application ID: 1-1013-43904

[Response](#)

The applicant is committed to registration under .LLC as proposed in the NGPC’s 29 October 2013 implementation plan. Additionally, the applicant supports the 20 December 2013 NTAG [letter](#) regarding Category 1 and Category 2 Advice.

myLLP GmbH

LLP, Application ID: 1-1013-89480

[Response](#)

The applicant is committed to registration under .LLP as proposed in the NGPC’s 29 October 2013 implementation plan. Additionally, the applicant supports the 20 December 2013 NTAG [letter](#) regarding Category 1 and Category 2 Advice.



Nevaeh Ventures Inc.

RIP, Application ID: 1-865-67813

[Response](#)

The applicant acknowledges the intent to establish permanent protection of IGO acronyms at the second level. The applicant supports continued discussion between the NGPC and the GAC in this regard. The applicant awaits specific direction in regards to protections for “Red Cross,” “Red Crescent,” and related designations.

The applicant notes that in regards to Category 1 Advice, “RIP” was identified in the NGPC’s implementation plan as part of the “Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions” subcategory. The applicant asserts that it is pleased to comply with Safeguards 1-3.

Shriram Capital Ltd.

SHRIRAM, Application ID: 1-1857-52823

[Response](#)

The applicant appreciates the ICANN Board’s consideration of the GAC Advice. The applicant asserts that it will be using .SHRIRAM exclusively for its internal divisions and its subsidiary group companies. The applicant will reserve classes of domain names as required by Specification 5 of the Registry Agreement, and reserve domain names related to ICANN and Internet standards bodies.

TLD REGISTRY LIMITED

中文网, Application ID 1-1939-78147, ([Response](#))

在线, Application ID 1-1940-42600, ([Response](#))

CITY, Application ID 1-1938-29030, ([Response](#))

The applicant asserts that it will implement actions to protect children and their rights consistent with the UN Convention on Rights of the Child. Additionally, the applicant asserts that it will implement required protection for IGOs and the Red Cross when such requirements have been defined by ICANN.

TLDDOT GmbH

GMBH, Application ID: 1-1273-63351

[Response](#)



The applicant commits to allowing registration for companies that are registered with a legal form of GmbH (including mbh, gGmbH, GesmbH, and Ges.m.b.H.).

The applicant asserts that it is committed to operating the community-based TLD “in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing, and adhering to clear registration policies,” as required by Specification 11 of the Registry Agreement.

The applicant urges ICANN to ensure that any Public Interest Commitments or application changes based on safeguards for applications in contention sets are “bindingly implemented and monitored after being approved as a Change Request.”

United TLD Holdco Ltd.

ENGINEER, Application ID: 1-1255-37010

AIRFORCE, Application ID: 1-1255-29190

ARMY, Application ID: 1-1255-29986

GREEN, Application ID: 1-1255-2257

NAVY, Application ID: 1-1255-53893

REHAB, Application ID: 1-1255-34333

GIVES, Application ID: 1-1255-39674

[Response](#)

The applicant believes that the Public Interest Commitments that ICANN has developed and the PICDRP effectively implement the GAC Advice regarding safeguards.

The applicant asks the GAC and the ICANN Board to consider that the term “doctor” is not used exclusively in connection with medical services. The applicant asserts that the categorization of the “DOCTOR” string as relating to a highly regulated sector is unfair and unjust.

The applicant asserts that it has included all required Public Interest Commitments as well as additional Public Interest Commitments into each of its Registry Agreements.

Vox Populi Inc.

SUCKS, Application ID: 1-2080-9277

[Response](#)

The applicant acknowledges the intent to establish permanent protection of IGO acronyms at the second level. The applicant supports continued discussion between the NGPC and the GAC in this regard. The applicant awaits specific direction in regards to protections for “Red Cross,” “Red Crescent,” and related designations.



The applicant asserts that the application has included relevant policies for the prevention of cyber bullying from the beginning of the application process. It plans to engage industry experts to develop and implement a rapid takedown process. In its [response](#) to the Beijing Communiqué, the applicant provided a detailed description of how it would comply with each of the safeguards (excerpts are included in the response to the Buenos Aires Communiqué).