

14 September 2018

The Honorable Jeffrey W. Bullock
Secretary of State
State of Delaware, Department of State
401 Federal Street, Suite 3
Dover, DE 19901

RE: Awarding of Corporate gTLD Name Extensions

Dear Secretary Bullock,

Thank you for your correspondence of 14 August 2018 regarding consumer safeguards for corporate identifier top level domains (TLDs). Your letter is posted on the Correspondence page at: <https://www.icann.org/en/system/files/correspondence/bullock-to-icann-board-14aug18-en.pdf>. I appreciate your engagement on this topic and would like to provide you with some information regarding the corporate identifier¹ TLDs such as .INC, .LLC, and .LLP, including what consumer safeguards are in place for these TLDs.

You stated in your letter:

“The path that ICANN has chosen to pursue flies in the face of the efforts of global policymakers to attempt to move toward greater transparency and public accountability for registered legal entities. Time and again, ICANN has revealed an unwillingness to consider the arguments my colleagues and I have presented, opting instead to stand on bureaucratic and procedural grounds in the pursuit of an outcome that we have no choice but to conclude was predetermined.”

The New gTLD Program was developed through a multistakeholder, bottom-up process and was designed to enhance innovation, competition and consumer choice. It also allowed the creation of many new safeguards to ensure a secure, stable, and resilient Internet. While the New gTLD Program did not prohibit the corporate identifier names, it did allow concerned parties several avenues to raise objections. It also provided a forum for governments through the Governmental Advisory Committee (GAC) to provide advice and voice concerns.

Concerns regarding corporate identifier names were specifically called out in the GAC’s Beijing Communiqué², in which it issued advice on safeguards for this and many other categories of TLDs. Based on this advice, the New gTLD Program Committee of the ICANN Board adopted a framework for implementation of these safeguards in February 2014³. The safeguards have

¹ In regard to the corporate identifier .CORP, the Board passed a resolution in February 2018 that states that .CORP (along with .HOME and .MAIL) shall not proceed in the New gTLD Program. Accordingly, .CORP will not be delegated. See <https://www.icann.org/resources/board-material/resolutions-2018-02-04-en#2.c>.

² See

https://gacweb.icann.org/download/attachments/27131917/Beijing%20Communique%20april2013_Final.pdf?version=1&modificationDate=1385487299000&api=v2

³ See <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-1-05feb14-en.pdf> & <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>

been implemented as contractual obligations of the registry operator and appear as Public Interest Commitments (PICs) in Specification 11 of the Registry Agreement. The safeguards are enforced by ICANN's Contractual Compliance team as well as through the Public Interest Commitments Dispute Resolution Procedure (PICDRP).⁴ For your reference, we have listed in an annex to this letter the Specification 11 safeguards. Safeguard 6, in particular, addresses the issue of verification and requirements for registry operators, which you referenced in your letter.

In regards to the registry operators for .INC, .LLC, .LTD, for example, ICANN has signed a Registry Agreement with each that contains the requisite safeguards in Specification 11.⁵ ICANN is also in the process of signing a Registry Agreement with the prevailing applicant for .LLP, and the same safeguards will also apply to that Registry Agreement.⁶

I hope this information is helpful to you. Rest assured, ICANN will rigorously adhere to these safeguards and is committed to their enforcement. Please do not hesitate to reach out to me with any additional questions or concerns. We thank you for your longstanding and continued participation in ICANN's multistakeholder process.

Sincerely,



Göran Marby
President and Chief Executive Officer
Internet Corporation for Assigned Names and Numbers (ICANN)

⁴ For more about the PICDRP see <https://www.icann.org/resources/pages/picdrp-2014-01-09-en>

⁵ See <https://www.icann.org/resources/pages/registries/registries-agreements-en>

⁶ *Ibid.* Your letter also mentions .COMPANY, which was not identified in the GAC safeguard advice; however, this Registry Agreement also contains the Specification 11 safeguards.

Annex 1 – GAC 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.