Annex A

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▶ Identifier Systems

Preliminary Report | Meeting of the New gTLD Program Committee

12 Feb 2015

Note: On 10 April 2012, the Board established the New gTLD Program Committee, comprised of all voting members of the Board that are not conflicted with respect to the New gTLD Program. The Committee was granted all of the powers of the Board (subject to the limitations set forth by law, the Articles of Incorporation, Bylaws or ICANN's Conflicts of Interest Policy) to exercise Board-level authority for any and all issues that may arise relating to the New gTLD Program. The full scope of the Committee's authority is set forth in its charter at http://www.icann.org/en/groups/board/new-gTLD.

Formal Minutes are still to be approved by the New gTLD Program Committee. This has not been approved by the New gTLD Program Committee and does not constitute minutes but does provide a preliminary attempt setting forth the unapproved reporting of the resolutions from that meeting. Details on voting and abstentions will be provided in the Minutes, when approved at a future meeting.

NOTE ON ADDITIONAL INFORMATION INCLUDED WITHIN PRELIMINARY REPORT – ON RATIONALES -- Where available, a draft Rationale for each of the New gTLD Program Committee's actions is presented under the associated Resolution. A draft Rationale is not final until approved with the minutes of the New gTLD Program Committee meeting.

A Regular Meeting of the New gTLD Program Committee of the ICANN Board of Directors was held in Singapore on 12 February 2015 at 08:30 local time.

Committee Chairman Cherine Chalaby promptly called the meeting to order.

In addition to the Chair the following Directors participated in all or part of the meeting: Rinalia Abdul Rahim, Steve Crocker (Board Chairman), Chris Disspain, Asha Hemrajani, Markus Kummer, Bruno Lanvin, Erika Mann, Gonzalo Navarro, Ray Plzak, George Sadowsky, and Kuo-Wei Wu.

Fadi Chehadé (President and CEO, ICANN), Thomas Schneider (GAC Liaison), and Mike Silber sent apologies.

Acting Secretary: Dan Halloran (Deputy General Counsel).

ICANN Executives and Staff in attendance for all or part of the meeting: Akram Atallah (President, Global Domains Division); Megan Bishop (Board Support Coordinator); Allen Grogan (Chief Contract Compliance Officer); Jamie Hedlund (Vice President, Strategic Programs – Global Domains Division); Kevin Kreuser (Senior Counsel); Vinciane Koenigsfeld (Board Support Content Manager); Cyrus Namazi (Vice President, DNS Industry Engagement); Erika Randall (Senior Counsel); Amy Stathos (Deputy General Counsel); and Christine Willett (Vice President, Operations – Global Domains Division).

This is a Preliminary Report of the Meeting of the New gTLD Program Committee, which took place on 12 February 2015.

1. **Main Agenda:**
   a. **Category 1 Safeguards for Highly-Regulated TLDs**

1. Main Agenda:

   a. Category 1 Safeguards for Highly-Regulated TLDs

      The Chair provided an overview of the agenda, noting that there were some concerns from a New gTLD applicant about staff's proposed implementation the Committee's action from a year ago about the Category 1 Safeguards for highly-regulated TLDs. In particular, the concerns relate to implementation of an additional safeguard for the .DOCTOR TLD in response to advice from the Governmental Advisory Committee (GAC).

      Staff provided an overview of the advice from the GAC in the Buenos Aires Communiqué (20 November 2013) concerning .DOCTOR. At that time, the GAC advised the Board to re-categorize the string .DOCTOR as falling within Category 1 safeguard advice addressing highly regulated sectors, therefore ascribing these domains exclusively to legitimate medical practitioners. The GAC noted the strong implications for consumer protection and consumer trust, and the need for proper medical ethical standards, demanded by the medical field online to be fully respected.

      Staff also summarized Committee's resolution adopted on 5 February 2014 to implement the GAC's advice, and the Committee's rationale for taking such action. Staff also provided an overview of the application status of the .DOCTOR TLD, noting that the TLD is in a contention set with three competing applicants.

      The Committee engaged in a discussion about the views expressed by one of the applicants for the .DOCTOR TLD. The Committee considered the applicant's points in light of the Committee's February

2014 action and ongoing discussions during the Singapore meeting regarding safeguards for Category 1 strings associated with highly-regulated sectors. The Committee also considered competing positions expressed by the GAC, the ALAC, and other members of the community about safeguards for these Category 1 strings. After discussion, the sense of the Committee was for staff to continue to move forward with implementation of its 5 February 2014 resolution on the matter.

The Chair called the meeting to a close.

Published on 23 February 2015

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Authority

Registry
Liaison

AOC Review

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Reviews

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For
Journalists

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Mechanisms

Independent
Review
Process

Request for
Reconsideration

Ombudsman

Governance

Documents

Agreements

AOC Review

Annual
Report

Financials

Document
Disclosure

Planning

Dashboard

RFPs

Litigation

Correspondence

Help

Dispute
Resolution

Domain
Name Dispute
Resolution

Name
Collision

Registrar
Problems

WHOIS

Annex B

SPECIFICATION 11

PUBLIC INTEREST COMMITMENTS

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on 27 June 2013 in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. (Intentionally omitted. Registry Operator has not included commitments, statements of intent or business plans provided for in its application to ICANN for the TLD.)

3. Registry Operator agrees to perform the following specific public interest commitments, which commitments shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN (posted at http://www.icann.org/en/resources/registries/picdrp), which may be revised in immaterial respects by ICANN from time to time (the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

   a. Registry Operator will include a provision in its Registry-Registrar Agreement that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name.

   b. Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. Registry Operator will maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operator will maintain these reports for the term of the Agreement unless a shorter period is required by law or approved by ICANN, and will provide them to ICANN upon request.

   c. 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.

d. Registry Operator of a "Generic String" TLD may not impose 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 "Affiliates" (as defined in Section 2.9(c) of the Registry Agreement). "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.

e. Registry Operator will include a provision in its Registry-Registrar Agreement 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.

f. Registry Operator will include a provision in its Registry-Registrar Agreement that requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.

g. Registry Operator will include a provision in its Registry-Registrar Agreement 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.

h. Registry Operator 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.

i. Registry Operator will include a provision in its Registry-Registrar Agreement 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.

j. Registry Operator will include a provision in its Registry-Registrar Agreement that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant

possesses any necessary authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD.

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

l. Registry Operator will include a provision in its Registry-Registrar Agreement that requires registrars to include in their Registration Agreements a provision requiring registrants to report any material changes to the validity of the registrants' authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD 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.

m. Registry Operator will ensure that the domains in the TLD are ascribed exclusively to legitimate medical practitioners.

Annex C

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▶ Groups

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▶ Registrars

▶ Registries

▶ Identifier Systems Security, Stability and Resiliency (IS-SSR)

▶ ccTLDs

▶ Internationalized Domain Names

▶ Universal Acceptance Initiative

▶ Policy

▶ Public Comment

▶ Contact

▶ Help

Approved Resolutions | Meeting of the New gTLD Program Committee

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05 Feb 2014

1. **Main Agenda**
   a. Remaining Items from Beijing, Durban and Buenos Aires GAC Advice: Updates and Actions
      Rationale for Resolution 2014.02.05.NG01

   b. Discussion of Report on String Confusion Expert Determinations
      Rationale for Resolution 2014.02.05.NG02

   c. Staff Update on Reassignment of Registry Agreements

   d. Staff Update on Name Collision Framework

1. Main Agenda:

   a. Remaining Items from Beijing, Durban and Buenos Aires GAC Advice: Updates and Actions

   Whereas, the GAC met during the ICANN 46 meeting in Beijing and issued a Communiqué on 11 April 2013 ("Beijing Communiqué").

   Whereas, the GAC met during the ICANN 47 meeting in Durban and issued a Communiqué on 18 July 2013 ("Durban Communiqué").

   Whereas, the GAC met during the ICANN 48 meeting in Buenos Aires and issued a Communiqué on 20 November 2013 ("Buenos Aires Communiqué").

   Whereas, the NGPC adopted scorecards to respond to certain items of the GAC's advice in the Beijing Communiqué and the Durban Communiqué, which were adopted on 4 June 2013, 10 September 2013, and 28 September 2013.

   Whereas, the NGPC has developed another iteration of the scorecard to respond to certain remaining items of GAC advice in the Beijing Communiqué and the Durban Communiqué, and new advice in the Buenos Aires Communiqué.

   Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board's authority for any and all issues that may arise relating to the New gTLD Program.

   Resolved (2014.02.05.NG01), the NGPC adopts the "GAC Advice (Beijing, Durban, Buenos Aires): Actions and Updates" (5 February 2014), attached as Annex 1 [PDF, 371 KB] to this Resolution, in response to open items of Beijing, Durban and Buenos Aires GAC advice as presented in the scorecard.

   ## Rationale for Resolution 2014.02.05.NG01

   Article XI, Section 2.1 of the ICANN Bylaws

   http://www.icann.org/en/about/governance/bylaws#XI permit the GAC to "put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies." The GAC issued advice to the Board on the New gTLD Program through its Beijing Communiqué dated

11 April 2013, its Durban Communiqué dated 18 July 2013, and its Buenos Aires Communiqué dated 20 November 2013. The ICANN Bylaws require the Board to take into account the GAC's advice on public policy matters in the formulation and adoption of the polices. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

The NGPC has previously addressed items of the GAC's Beijing and Durban advice, but there are some items that the NGPC continues to work through. Additionally, the GAC issued new advice in its Buenos Aires Communiqué that relates to the New gTLD Program. The NGPC is being asked to consider accepting some of the remaining open items of the Beijing and Durban GAC advice, and new items of Buenos Aires advice as described in the attached scorecard dated 28 January 2014.

As part of its consideration of the GAC advice, ICANN posted the GAC advice and officially notified applicants of the advice, triggering the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1. The Beijing GAC advice was posted on 18 April 2013 http://newgtlds.icann.org/en/announcements-and-media/announcement-18apr13-en, the Durban GAC advice was posted on 1 August 2013 http://newgtlds.icann.org/en/announcements-and-media/announcement-01aug13-en, and the Buenos Aires GAC advice was posted on 11 December 2013. The complete set of applicant responses are provided at: http://newgtlds.icann.org/en/applicants/gac-advice/.

In addition, on 23 April 2013, ICANN initiated a public comment forum to solicit input on how the NGPC should address Beijing GAC advice regarding safeguards applicable to broad categories of new gTLD strings http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm. The NGPC has considered the applicant responses in addition to the community feedback on how ICANN could implement the GAC's safeguard advice in the Beijing Communiqué in formulating its response to the remaining items of GAC advice.

As part of the applicant responses, several of the applicants who were subject to GAC Category 1 Safeguard Advice have indicated that they support the NGPC's proposed implementation plan, dated 29 October 2013, and voiced their willingness to comply with the safeguards proposed in the plan. On the other hand, an applicant noted that the NGPC's plan to respond to the GAC's Category 1 Safeguard advice is a "step back from what the GAC has asked for" with regard to certain strings. Others contended that their applied-for string should not be listed among the Category 1 Safeguard strings. Some of the applicants for the .doctor string noted that the NGPC should not accept the new GAC advice on .doctor because the term "doctor" is not used exclusively in connection with medical services and to re-categorize the string as relating to a highly regulated sector is unfair and unjust.

With respect to the Category 2 Safeguards, some applicants urged 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." Additionally, some applicants 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.

As part of its deliberations, the NGPC reviewed the following materials and documents:

- GAC Beijing Communiqué:
  https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Communique_Durban_2
  version=1&modificationDate=1375787122000&api=v2 [PDF, 238 KB]

- GAC Durban Communiqué:
  https://gacweb.icann.org/download/attachments/27132037/Final_GAC_Communique_Durban_2
  version=1&modificationDate=1374215119858&api=v2 [PDF, 103 KB]

- GAC Buenos Aires Communiqué:
  https://gacweb.icann.org/download/attachments/27132037/FINAL_Buenos_Aires_GAC_Commu
  version=1&modificationDate=1385055905332&api=v2 [PDF, 97 KB]

- Letter from H. Dryden to S. Crocker dated 11 September 2013 re: .vin and .wine:
  http://www.icann.org/en/news/correspondence/dryden-to-crocker-09sep13-en.pdf [PDF, 66 KB]

- Applicant responses to GAC advice: http://newgtlds.icann.org/en/applicants/gac-advice/

- Applicant Guidebook, Module 3: http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12-en.pdf [PDF, 261 KB]

In adopting its response to remaining items of Beijing and Durban GAC advice, and the new Buenos Aires advice, the NGPC considered the applicant comments submitted, the GAC's advice transmitted in the Communiqués, and the procedures established in the AGB and the ICANN Bylaws. The adoption of the GAC advice as provided in the attached scorecard will assist with resolving the GAC advice in manner that permits the greatest number of new gTLD applications to continue to move forward as soon as possible.

There are no foreseen fiscal impacts associated with the adoption of this resolution, but fiscal impacts of the possible solutions discussed will be further analysed if adopted. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS.

As part of ICANN's organizational administrative function, ICANN posted the Buenos Aires GAC advice and officially notified applicants of the advice on 11 December 2013. The Durban Communiqué and the Beijing Communiqué were posted on 18 April 2013 and 1 August 2013, respectively. In each case, this triggered the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1.

b. Discussion of Report on String Confusion Expert Determinations

Whereas, on 10 October 2013 the Board Governance Committee (BGC) requested staff to draft a report for the NGPC on String Confusion Objections "setting out options for dealing with the situation raised within this Request, namely the differing outcomes of the String Confusion Objection Dispute Resolution process in similar disputes involving Amazon 's Applied – for String and TLDH's Applied-for String."

Whereas, the NGPC is considering potential paths forward to address the perceived inconsistent Expert Determinations from the New gTLD Program String Confusion Objections process, including implementing a review mechanism. The review will be limited to the String Confusion Objection Expert Determinations for .CAR/.CARS and .CAM/.COM.

Whereas, the proposed review mechanism, if implemented, would constitute a change to the current String Confusion Objection process in the New gTLD Applicant Guidebook.

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board's authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2014.02.05.NG02), the NGPC directs the President and CEO, or his designee, to publish for public comment the proposed review mechanism for addressing perceived inconsistent Expert Determinations from the New gTLD Program String Confusion Objections process.

Rationale for Resolution 2014.02.05.NG02

The NGPC's action today, addressing how to deal with perceived inconsistent Expert Determinations from the New gTLD Program String Confusion Objections process, is part of the NGPC's role to provide general oversight of the New gTLD Program. One core of that work is "resolving issues relating to the approval of applications and the delegation of gTLDs pursuant to the New gTLD Program for the current round of the Program." (See NGPC Charter, Section II.D).

The action being approved today is to first direct the ICANN President and CEO, or his designee, to initiate a public comment period on the framework principles of a potential review mechanism to address the perceived inconsistent String Confusion Objection Expert Determinations.

The effect of this proposal, and the issue that is likely to be before the NGPC after the close of the public comments, is to consider implementing a new review mechanism in the String Confusion Objection cases where objections were raised by the same objector against different applications for the same string, where the outcomes of the String Confusion Objections differ. If the proposal is eventually adopted after public comment and further consideration by the NGPC, ICANN would work with the International Centre for Dispute Resolution (ICDR) to implement the new review mechanism outlined in the proposal.
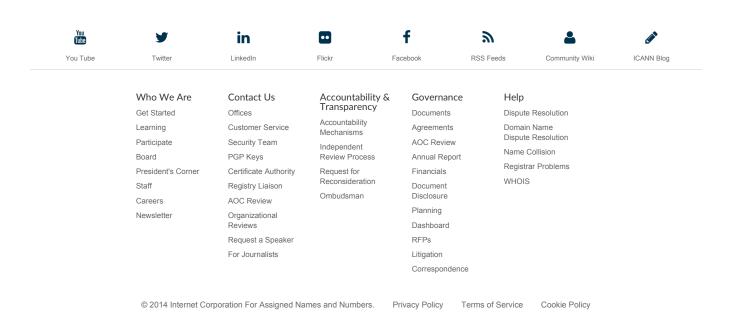
There are no foreseen fiscal impacts associated with the adoption of this resolution, which would initiate the opening of public comments, but the fiscal impacts of the proposed new

review mechanism will be further analyzed if adopted. Approval of the resolution will not impact security, stability or resiliency issues relating to the DNS. The posting of the proposal for public comment is an Organizational Administrative Action not requiring public comment, however follow on consideration of the proposal requires public comment.

c. Staff Update on Reassignment of Registry Agreements

Item not considered.

d. Staff Update on Name Collision Framework

Item not considered.

Published on 7 February 2014

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Independent Review Process
Request for Reconsideration
Ombudsman

Governance
Documents
Agreements
AOC Review
Annual Report
Financials
Document Disclosure
Planning
Dashboard
RFPs
Litigation
Correspondence

Help
Dispute Resolution
Domain Name Dispute Resolution
Name Collision
Registrar Problems
WHOIS

Annex C-1

ANNEX 1 to ICANN NGPC RESOLUTION NO. 2014.02.05.NG01

GAC Advice (Beijing, Durban, Buenos Aires): Actions and Updates

5 February 2014

	GAC Register #	GAC Advice		Action/Update
		Open Items of GAC Advice		
1. WINE and VIN	2013-09-09-wine and vin; 2013-11-20-wine-vin (Buenos Aires Communiqué §3)	Follow-up from Durban: The GAC advises the ICANN Board that the GAC has finalized its consideration of the strings .wine and .vin and further advises that the applications should proceed through the normal evaluation process. Buenos Aires: The Board may wish to seek a clear understanding of the legally complex and politically sensitive background on this matter in order to consider the appropriate next steps of delegating the two strings. GAC members may wish to write to the Board to further elaborate their views."		On 28 September 2013, the NGPC noted that it stood ready to hear from GAC members as to the nature of the differences in views expressed in the advice while the NGPC analyzed. In Buenos Aires, ICANN facilitated a dialogue between the applicant for .VIN and the affected non-governmental parties. In response to the GAC's suggestion in the Buenos Aires Communiqué, the NGPC has commissioned an analysis of the legally complex and politically sensitive background on this matter in the context of the GAC advice in order to consider the appropriate next steps of delegating .WINE and .VIN. The analysis is expected to be completed so that it can be considered by the NGPC when it meets in Singapore.
2. GUANGZHOU and SHENZHEN	2013-11-20-guangzhou; 2013-11-20-shenzhen (Buenos Aires Communiqué §2.a.i.1.a & b)	The GAC advises the Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .guangzhou (IDN in Chinese - application number 1-1121-22691) and .shenzhen (IDN in Chinese - application number 1-1121-82863)	1A	The NGPC accepts this advice. ICANN received notice on 6 December 2013 that the applicants for .GUANGZHOU and .SHENZHEN are withdrawing their applications for consideration from the New gTLD Program. The NGPC will inform the GAC of this new information.

	GAC Register #	GAC Advice		Action/Update
3. SPA	2013-11-20-spa (Buenos Aires Communiqué §2.a.i.1.c)	The GAC advises the Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .spa (application numbers: 1-1619-92115, 1-1309-81322, 1-1110-73648) [Note: Application numbers updated from original text of advice.]	1A	The NGPC accepts this advice. ICANN will not enter into registry agreements with applicants for the identified string at this time. The NGPC notes concern about concluding the discussions with the applicants and will request the GAC to (1) provide a timeline for final consideration of the string, and (2) identify the "interested parties" noted in the GAC advice.
4. YUN	2013-04-11-gTLDStrings; 2013-07-18-gTLDStrings (Buenos Aires Communiqué §2.b)	The GAC notes that the application for .yun (application number 1-1318-12524) has been withdrawn.	1A	The NGPC accepts this advice. ICANN received notice on 15 November 2013 that the applicant of application number 1-1318-12524 for .YUN was withdrawing its applications for consideration from the New gTLD Program. Since application number 1-1318-12524 has been withdrawn, the remaining application for the .YUN string (application 1-974-89210) should continue through the stages of the application process.
5. AMAZON	2013-07-18 – Obj-Amazon (Durban Communiqué §1.1.a.i.1; Buenos Aires Communiqué §2.d)	The GAC advises the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)		ICANN has commissioned an independent, third-party expert to provide additional analysis on the specific issues of application of law at issue, which may focus on legal norms or treaty conventions relied on by Amazon or governments. The analysis is expected to be completed in time for the ICANN Singapore meeting so that the NGPC can consider it in Singapore.

	GAC Register #	**GAC Advice**		**Action/Update**
6. IGO PROTECTIONS	2013-11-20-IGO (Buenos Aires Communiqué §6.a.i)	The GAC advises the ICANN Board that the GAC, together with IGOs, remains committed to continuing the dialogue with NGPC on finalizing the modalities for permanent protection of IGO acronyms at the second level, by putting in place a mechanism which would: (1) provide for a permanent system of notifications to both the potential registrant and the relevant IGO as to possible conflict if a potential registrant seeks to register a domain name matching the acronym of that IGO; (2) allow the IGO a timely opportunity to effectively prevent potential misuse and confusion; (3) allow for a final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant; and (4) be at no cost or of a nominal cost only to the IGO.

The GAC looks forward to receiving the alternative NGPC proposal adequately addressing this advice. Initial protections for IGO acronyms should remain in place until the dialogue between the NGPC, the IGOs and the GAC ensuring the implementation of this protection is completed. | | On 2 October 2013, the NGPC proposal in response to the GAC's advice in the Durban Communiqué regarding protections for IGO acronyms was submitted to the GAC for its consideration.

The NGPC is developing ways to implement the GAC advice, including whether there are mechanisms, other than the Trademark Clearinghouse, that can be used to implement the advice. The NGPC will prepare an alternative proposal for consideration by the GAC.

The NGPC adopted a resolution at its 9 January 2014 meeting to extend the initial protections for IGO acronyms while the GAC and NGPC continue to work through outstanding implementation issues.

To note: During the Buenos Aires meeting, the GNSO unanimously approved the recommendations in the Final Report of the IGO/INGO Protection PDP Working Group. The Final Report recommended reserving IGO names but not their acronyms. It did allow for the inclusion of acronyms in the TMCH in future rounds if they were included in the TMCH during the current round. It also requested an issue report on possible revisions to the UDRP and URS policies that would allow IGOs to take advantage of these processes. Subject to receiving direction from the Board, the NGPC will: (1) consider the policy recommendations from the GNSO as the NGPC continues to actively develop an approach to respond to the GAC advice on protections for IGOs, and (2) develop a comprehensive proposal to address the GAC advice and the GNSO policy recommendations for consideration by the Board at a subsequent meeting. |

	GAC Register #	GAC Advice		Action/Update
7. IOC/RCRC PROTECTIONS	2013-07-18 – IOCRC (Durban Communiqué §5.a.i(sic))	The GAC advises the ICANN Board that the same complementary cost neutral mechanisms to be worked out for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).		Refer to the update above.
8. RCRC NAMES	2013-11-20-IOC-RCRC (Buenos Aires Communiqué §6.a.i)	The GAC advises the ICANN Board that it is giving further consideration to the way in which existing protections should apply to the words "Red Cross", "Red Crescent" and related designations at the top and second levels with specific regard to national Red Cross and Red Crescent entities; and that it will provide further advice to the Board on this.	1A	The NGPC accepts this advice.

	GAC Register #	GAC Advice			Action/Update
9. CAT 1 SAFEGUARDS	2013-04-11-Safeguards – Categories -1; 2013-11-20-Cat1-Cat2 (Beijing Communiqué Annex I, Category 1; Buenos Aires Communiqué §1.d.i)	Beijing Communiqué: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. (Refer to the GAC Register of Advice for the full text of each Category 1 Safeguard.) Buenos Aires Communiqué: The GAC advises the ICANN Board to re-categorize the string .doctor as falling within Category 1 safeguard advice addressing highly regulated sectors, therefore ascribing these domains exclusively to legitimate medical practitioners. The GAC notes the strong implications for consumer protection and consumer trust, and the need for proper medical ethical standards, demanded by the medical field online to be fully respected.	1A	The NGPC accepts the advice. The NGPC adopts the implementation framework attached as Annex 2 <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-2-05feb14-en.pdf> to address this advice, and directs the ICANN President and CEO, or his designee, to implement the Category 1 Safeguard advice consistent with the implementation framework. With respect to the additional advice in the Buenos Aires Communiqué on the Category 1 Safeguards, the NGPC accepts the advice to re-categorize the string .doctor as falling within Category 1 safeguard advice addressing highly regulated sectors and ensure that the domains in the .doctor TLD are ascribed exclusively to legitimate medical practitioners.

	GAC Register #	GAC Advice		Action/Update
10. CAT 2 SAFEGUARDS – EXCLUSIVE ACCESS	2013-04-11-Safeguards – Categories -2; 2013-11-20-Cat1-Cat2 (Beijing Communiqué Annex I, Category 2, Item 2; Buenos Aires Communiqué §1.e)	<u>Beijing</u>: For strings representing generic terms, exclusive registry access should serve a public interest goal. In the current round, the GAC has identified the following non-exhaustive list of strings that it considers to be generic terms, where the applicant is currently proposing to provide exclusive registry access: .antivirus, .app, .autoinsurance, .baby, .beauty, .blog, .book, .broker, .carinsurance, .cars, .cloud, .courses, .cpa, .cruise, .data, .dvr, .financialaid, .flowers, .food, .game, .grocery, .hair, .hotel, .hotels .insurance, .jewelry, .mail, .makeup, .map, .mobile, .motorcycles, .movie, .music, .news, .phone, .salon, .search, .shop, .show, .skin, .song, .store, .tennis, .theater, .theatre, .tires, .tunes, .video, .watches, .weather, .yachts, .クラウド [cloud], .ストア [store], .セール [sale], .ファッション [fashion], .家電 [consumer electronics], .手表 [watches], .書籍 [book], .珠宝 [jewelry], .通販 [online shopping], .食品 [food] <u>Buenos Aires</u>: The GAC welcomes the Board's communication with applicants with regard to open and closed gTLDs, but seeks written clarification of how strings are identified as being generic.		ICANN contacted the 186 applicants for strings identified in the GAC's Category 2 safeguard advice. The applicants were asked to respond by a specified date indicating whether the applied-for TLD will be operated as an exclusive access registry. An overwhelming majority of the applicants (174) indicated that the TLD would not be operated as an exclusive access registry. The NGPC adopted a resolution directing staff to move forward with the contracting process for applicants for strings identified in the Category 2 Safeguards that were prepared to enter into the Registry Agreement as approved, since moving forward with these applicants was consistent with the GAC's advice. Twelve applicants responded that the TLD would be operated as an exclusive access registry. These 12 applicants have applied for the following strings: .BROKER, .CRUISE, .DATA, .DVR, .GROCERY, .MOBILE, .PHONE, .STORE, .THEATER, .THEATRE and .TIRES. Staff requested the applicants to provide an explanation of how the proposed exclusive registry access serves a public interest goal. The responses have been received. ICANN staff will forward the responses to the NGPC and the GAC so that the responses can be considered prior to the Singapore meeting. The NGPC accepts the advice in the Buenos Aires Communiqué. As requested in in the Buenos Aires Communiqué, the NGPC has provided a written clarification to the GAC of how strings are identified as being generic.

	GAC Register #	GAC Advice		Action/Update
11. CAT 2 SAFEGUARDS – RESTRICTED ACCESS	2013-04-11- Safeguards – Categories -2; 2013-11-20-Cat1- Cat2 (Beijing Communiqué Annex I, Category 2, Item 2; Buenos Aires Communiqué §1.a.i.1)	Beijing Communiqué: 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. Buenos Aires Communiqué: The GAC highlights the importance of its Beijing advice on 'Restricted Access' registries, particularly with regard to the need to avoid undue preference and/or undue disadvantage. The GAC requests a briefing on whether the Board considers that the existing PIC specifications (including 3c) fully implements this advice.	1A	The NGPC accepted the GAC's Beijing advice regarding Category 2 (Restricted Access). To implement the advice, the NGPC revised Specification 11 – Public Interest Commitments in the New gTLD Registry Agreement. The PIC Spec requires that "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 NGPC accepts the advice in the Buenos Aires Communiqué. As requested, the NGPC has provided a written clarification to the GAC on whether the Board considers that the existing PIC specifications (including 3c) fully implements this advice.

	GAC Register #	GAC Advice		Action/Update
12. HALAL AND ISLAM	2103-04-11-Religious Terms; 2013-11-20-islam-halal (Beijing Communiqué §1.a.ii; Buenos Aires Communiqué §7)	The GAC advises the Board that with regard to Module 3.1 part II of the Applicant Guidebook, the GAC recognizes that religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed. GAC took note of letters sent by the OIC and the ICANN Chairman in relation to the strings .islam and .halal. The GAC has previously provided advice in its Beijing Communiqué, when it concluded its discussions on these strings. The GAC Chair will respond to the OIC correspondence accordingly, noting the OIC's plans to hold a meeting in early December. The GAC chair will also respond to the ICANN Chair's correspondence in similar terms.		The NGPC adopted a resolution to accept this advice at its 4 June 2013 meeting. Pursuant to Section 3.1.ii of the AGB, the NGPC and some members of the GAC met during the ICANN 47 meeting in Durban to discuss the concerns about the applications. On 24 October 2013 decisions were posted in favor of the applicant on the community objections filed by the Telecommunications Regulatory Authority of the UAE. In a 4 November 2013 letter from the Organization of Islamic Cooperation (OIC) to the GAC Chair, the OIC requested that its letter be considered an "official opposition of the Member States of the OIC towards probable authorization by the GAC allowing the use of [...] .ISLAM and .HALAL by any entity not representing the collective voice of the Muslim people." In a 11 November 2013 letter to the GAC Chair, the NGPC indicated that before it takes action on the strings, it will wait for any additional GAC input during the Buenos Aires meeting or resulting GAC Communiqué. The Buenos Aires Communiqué took note of the letters sent by the OIC, but did not offer any additional advice to the Board. The OIC also adopted a resolution in December 2013 communicating its official objection to the use of the applied-for .ISLAM and .HALAL TLDs. The NGPC takes note of the significant concerns expressed during the dialogue, and additional opposition raised, including by the OIC, which represents 1.6 billion members of the Muslim community. The NGPC has sent a letter to the applicant, which is available [here](http://www.icann.org/en/news/correspondence/crocker-to-abbasnia-07feb14-en.pdf) <http://www.icann.org/en/news/correspondence/crocker-to-abbasnia-07feb14-en.pdf>.

	GAC Register #	GAC Advice		Action/Update
13. [PROTECTIONS FOR CHILDREN]	2013-11-20-Cat1-Cat2 (Buenos Aires Communiqué §1.e)	The GAC considers that new gTLD registry operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.	1A	The NGPC acknowledges the GAC's view. ICANN will contact all new gTLD registry operators to make them aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.
14. [AUCTIONS]	2013-11-20-Cat1-Cat2 (Buenos Aires Communiqué §1.b)	The GAC requests a briefing on the public policy implications of holding auctions to resolve string contention (including community applications).	1A	The NGPC accepts this advice. The NGPC will provide a briefing to the GAC regarding the public policy implications of holding auctions to resolve string contention (including community applications).
15. [SPECIAL LAUNCH PROGRAM]	2013-11-20-GeoTLDs (Buenos Aires Communiqué §5.a.i)	The GAC advises the ICANN Board that ICANN provide clarity on the proposed launch program for special cases as a matter of urgency.	1A	The NGPC accepts this advice. ICANN published materials in December 2013 to provide clarity to the community on the proposed launch program for special cases. <http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf> Additionally, the NGPC has provided a briefing to the GAC on this issue.

Annex C-2

GAC Category 1 Strings
(5 February 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 .vesicherung, .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 REQURIED" 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.

Annex D

Governmental Advisory Committee

London, 25 June 2014

GAC Communiqué – London, United Kingdom[1]

I. Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in London, United Kingdom during the week of 21st of June 2014. Eighty six (86) GAC Members attended the meetings and twelve (12) Observers. The GAC expresses warm thanks to the local host <local host> for their support.

High Level Governmental Meeting

The GAC expressed its sincere appreciation to the United Kingdom for hosting the High Level Governmental Meeting on 23 June 2014. The meeting provided a valuable forum for Ministers and senior officials to emphasise to ICANN a range of important public policy concerns with regard to ICANN and the global internet governance ecosystem. It also enabled all parties to gain a clearer understanding of the role of governments in ICANN processes, including the GAC.

II. Inter-Constituencies Activities

1. GAC-Generic Names Supporting Organisation (GNSO) Consultation Group

The GAC agreed to proposals from the joint GAC-GNSO Consultation Group to enable greater cooperation and coordination between GAC and the GNSO, and in particular:

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[1] To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings and older GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive.

- o Appointment of a GNSO liaison to the GAC for a one year pilot period, starting next meeting in Los Angeles;
- o Liaison support through existing GNSO Council policy development process (PDP) liaisons;
- o A survey of GAC members on possible mechanisms for early awareness of policy issues with public policy implications;
- o Further analysis of how GAC involvement in PDPs could be managed on a sustainable and workable basis.

2. **Meeting with the Country Code Name Supporting Organisation (ccNSO)**

The GAC met with the ccNSO and discussed a range of issues, including finalisation of the report of the Framework of Interpretation Working Group; and the current activities on transition of IANA stewardship and strengthening ICANN accountability.

III. Internal Matters

1. **New Members** – The GAC welcomes Barbados, Israel, Liberia, Timor-Leste and Venezuela as new Members.

2. **GAC Working Methods -** The GAC discussed the proposals on improving the GAC working methods and the implementation plan put forward by the GAC working methods working group. The GAC agreed on the proposals and to the implementation plan of 21 June 2014. The GAC will continue to discuss the other outstanding issues.

3. **Issues for Future Rounds of gTLDs; and**

4. **Government and Intergovernmental Organisation Engagement Strategy** – The working group will continue its discussions with the ICANN Global Stakeholder Engagement (GSE) team on areas of cooperation.

The working groups will continue their activities inter-sessionally.

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The GAC warmly thanks the all SOs/ACs who jointly met with the GAC, as well as all those among the ICANN community who have contributed to the dialogue with the GAC in London, United Kingdom.

IV. GAC Advice to the Board[2]

1. Transition of US Stewardship of IANA and Strengthening ICANN Accountability

The GAC is committed to engaging with the current processes dealing with transition of US Government stewardship of IANA; and strengthening ICANN accountability.

The GAC will participate in both processes by nominating the Chair and four additional GAC members for formal membership of the coordination group and working group respectively, to provide a balanced representation of governmental interests. The GAC will ensure that geographic, linguistic and gender diversity are reflected. GAC participants in the groups will consult with, and facilitate information flows across, the broader GAC membership.

The GAC recognizes the need for it to comment on the final draft proposals from the IANA stewardship transition coordination group and the ICANN accountability working group before the public comment periods.

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

a. The GAC advises:
I. the Board to call on the NGPC to provide the GAC with a comprehensive and satisfactory response to the legitimate concerns raised in the Beijing and Singapore Communiques. The GAC considers that the current responses offered to the GAC fail to address a number of important concerns, including: 1) the process for verification of WHOIS information; 2) the proactive verification of credentials for registrants of domain names in regulated and highly regulated industries (the relevant Category 1 strings); 3) the proactive security checks by registries; 4) the Public Interest Commitments Dispute Resolution Process PICDRP, which is not defined as to length of procedure or outcome; and 5) discrimination in restricted TLDs. In addition,

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b. **The GAC advises that:**

 I. the Board to provide its responses to GAC advice at least four weeks prior to ICANN meetings in order to give sufficient time to the GAC to assess and provide feedback on these complicated matters.

These concerns are further clarified in an Annex to this Communique.

The GAC looks forward to the activation of the review panel on promoting competition, consumer trust and consumer choice envisaged in the Affirmation of Commitments.

The GAC notes that the Government of Israel expressed concerns about the potential for discrimination in the operation of .kosher, which Israel will study further.

3. Specific Strings

a. .africa

Consistent with the new gTLD applicant guidebook, the GAC provided consensus advice articulated in the April 11 2013 communiqué that the Dot Connect Africa (DCA) application number 1-1165-42560 for dot Africa should not proceed. The GAC welcomes the June 2013 decision by the New gTLD Program Committee to accept GAC advice on this application.

The GAC notes the recent action taken to put on hold the ZACR African Union Commission endorsed application due to the Independent Review Panel (IRP) mandated by ICANN Bylaws.

The GAC advises:

1. The ICANN Board to provide timely communication to the affected parties, in particular to provide clarity on the process and possible timelines

2. The ICANN Board that, following the release of the IRP recommendation, the Board should act expeditiously in prioritising their deliberations and delegate .africa pursuant of the registry agreement signed between ICANN and ZACR.

b .spa

The GAC welcomes the NGPC's acceptance of the GAC advice on .spa. The GAC reiterates its advice (https://gacweb.icann.org/display/GACADV/2014-03-27-spa) on the

issue that "the relevant parties in these discussions are the city of Spa and the applicants." The GAC therefore seeks NGPC's clarification on whether its explanation that "the applications will proceed through the normal process" means it will follow the Applicant Guidebook taking into consideration the GAC advice.

c .wine / .vin

There was further discussion on the issue of .wine/.vin, but no agreement was reached because of the sensitive nature of the matter.

The matter of .wine and .vin was raised at the High Level Governmental Meeting, where some members expressed concerns in terms of ICANN's accountability and public policy. These concerns are not shared by all members.

4. Protection of Children

The GAC reiterates its advice in the Buenos Aires Communiqué that new gTLD registry operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.

5. Protection of Inter-Governmental Organisation (IGO) Names and Acronyms

The GAC reaffirms its advice from the Toronto, Beijing, Durban, Buenos Aires and Singapore Communiqués regarding protection for IGO names and acronyms at the top and second levels, as implementation of such protection is in the public interest given that IGOs, as created by governments under international law are objectively different rights holders; notes the NGPC's letter of 16 June 2014 to the GNSO concerning further steps under the GNSO Policy Development Process while expressing concerns that the process of implementing GAC advice has been so protracted; welcomes the NGPC's assurance that interim protections remain in place pending any such process; and confirms its willingness to work with the GNSO on outcomes that meet the GAC's concerns.

6. Protection of Red Cross / Red Crescent Names

The GAC refers to its previous advice to the Board to protect permanently the terms and names associated with the Red Cross and Red Crescent, including those relating to the189 national Red Cross and Red Crescent societies, and recalls that the protections afforded to the Red Cross and Red Cross designations and names stem from universally agreed norms of international law and from the national legislation in force in multiple jurisdictions. Accordingly,

a.   The GAC now advises, that:

I. the Red Cross and Red Crescent terms and names should not be equated with trademarks or trade names and that their protection could not therefore be adequately treated or addressed under ICANN's curative mechanisms for trademark protection;

II. the protections due to the Red Cross and Red Crescent terms and names should not be subjected to, or conditioned upon, a policy development process;

III. the permanent protection of these terms and names should be confirmed and implemented as a matter of priority, including in particular the names of the international and national Red Cross and Red Crescent organisations.

7. WHOIS

The GAC notes that there continue to be range of initiatives being progressed relevant to WHOIS, including outcomes from the WHOIS Review Team and the recently finalised report of the Expert Working Group on gTLD Directory Services. Many of the issues under discussion and analysis have public policy dimensions, including privacy, law enforcement, consumer protection and public safety.

a. The GAC requests that:

I. ICANN make further efforts to explain and clarify the linkages between the full range of WHOIS activity for the benefit of GAC and the community between now and the Los Angeles meeting, to ensure that WHOIS activity adequately reflects GAC's earlier comments and concerns. ICANN should also consider the implications of short, restrictive comment deadlines for community workload. The GAC suggests that ICANN conduct a session for the community on these issues in Los Angeles.

8. Accountability and Transparency

The GAC was briefed by the Board-GAC Recommendation Implementation Working Group (BGRI) and agreed to specific ATRT2 recommendations being progressed by the BGRI as follows:

o Development of a formal process for the Board to notify and request GAC advice (Recommendation 6.4) – Document current process and seek comment on options for improvements.

- Bylaw changes to formally implement the documented process for Board-GAC Bylaws consultation developed by the BGRI (Recommendation 6.5) – GAC advises the Board that there are no further requests for Bylaws amendments, in light of the new gTLDs, and hence sees no need for Board action on this to be further delayed.
- Regularisation of senior officials' meetings (Recommendation 6.7) – GAC agrees that regular high level meetings are beneficial, and will examine ways to maximize their benefits and continually improve the way they are arranged and scheduled.
- GAC to use opportunities to provide input to ICANN policy development processes (Recommendation 10.2) – GAC noted that the GAC-GNSO Consultation Group is addressing this.

9. Human Rights

GAC noted the written analysis on ICANN's procedures and policies in the light of human rights, fundamental freedoms and democratic values, prepared by experts of the Council of Europe. The GAC noted that there is a developing interest in the ICANN community to include human rights issues in future discussions.

10. Protection of Geographic Names in gTLDs

The GAC provided a briefing, led by the sub-group on geographic names of the working group on future gTLD issues, to the community on protection of geographic names in future new gTLD application rounds. Further work will be done on this matter and new updates will be provided at the next ICANN meeting.

11. GAC Open Forum

The GAC convened an open session for the community to inform about and exchange views on the GAC and its working methods, in accordance with recommendation 6.1.a of the ATRT2 report.

V. Next Meeting

The GAC will meet during the period of the 51st ICANN meeting in Los Angeles, California.

NGPC Response to GAC Advice on Six GAC Safeguards Applicable to All New gTLDs and Advice on Category 1 and Category 2 Safeguards

Issue: The June 6, 2014 NGPC response to the GAC's advice and questions set forth in the Singapore Communiqué lacks key details, appears to sidestep certain GAC questions, and arrived too close to the London meeting to provide sufficient opportunity to consider, confer, and react to the NGPC positions.

Background: The GAC's Beijing Communiqué included specific safeguards applicable to gTLD strings that raised heightened consumer protection concerns (the Category 1 Safeguards) including sensitive strings (*e.g.*, health, financial, children) and regulated markets (*e.g.*, charities, gambling, professional services). These safeguards covered five general areas, with three additional safeguards regarding strings associated with regulated entry requirements in multiple jurisdictions. The NGPC has distinguished these safeguards as applicable to "regulated" and "highly regulated" strings and has adopted a Category 1 Public Interest Commitment Specification (PIC Spec) applicable to strings falling into these categories. The Category 1 PIC Spec weakens the GAC's advice in several areas. The GAC also addressed the issue of applicants seeking restricted registration policies for strings representing generic terms, through Category 2 safeguards intended to ensure that applicants must demonstrate that such exclusive access serves a public interest goal, and should not provide undue preference or discrimination against domain name registrants. The NGPC's proposed implementation of Category 2 safeguards is reflected in PIC Spec 11, Sections C and D. The NGPC has determined that the transparency requirement in Section C fully meets the GAC's request that Registry Operators be prevented from granting preferential or discriminatory treatment to domain name registrants. As a result of the concerns arising from the NGPC's flawed implementation of certain safeguards, the GAC issued consensus advice and questions in its Singapore Communiqué.

Assessment of the NGPC Response: With regard to the GAC's request for periodic updates regarding ICANN's enforcement of safeguards, the NGPC has committed to periodic updates at times and using methods determined by the GAC. The NGPC's responses to the series of GAC questions related to WHOIS data accuracy (e.g. checks/audits, consequences for failing to correct inaccurate WHOIS data, etc.) revolve around the implementation of a WHOIS Online Accuracy Reporting System, for which an RFP was issued on May 16, 2014. The NGPC response also indicates that ICANN intends to complement what is essentially a "work in progress" with consultations with the "broader ICANN community" to define the process by which inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System (which has not yet been created). The NGPC's response to the GAC's questions regarding steps taken by Registries to periodically analyze whether registrations in their TLDs raise security threats indicates that ICANN would solicit the community to develop a framework for Registry Operators to respond to identified security risks. However, there is no detail provided as to when and how the community, particularly the GAC, would be consulted on this matter.

With regard to the GAC's Category 1 advice, the NGPC maintains its previous position that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly

regulated industries would potentially discriminate against users in developing countries whose governments do not have regulatory bodies. This position is inconsistent with proposals from several applicants for strings representing regulated strings to ensure that registrants possess the appropriate credentials. Most importantly, the NGPC's position undermines the GAC's efforts to minimize consumer harm and fraud through the actions of uncredentialed registrants.

The NGPC's response to the GAC's questions related to the PICDRP is disappointingly superficial. More information will apparently only be forthcoming as a result of the use and experience with the PICDRP. The proposed PICDRP process is complex, apparently lengthy, and as yet untested. Further, the PICDRP process does not appear to result in a final resolution of compliance issues.

Finally, the NGPC's response to the GAC's questions related to Category 2 safeguards appears unchanged from previous responses. The GAC's explanation in Singapore that transparency alone is insufficient to deter discriminatory and preferential registration policies do not appear to have persuaded the NGPC to revisit its original position.

Timeliness of NGPC Response

- The late receipt of the NGPC's response to the GAC's Singapore advice and questions prohibited a thorough review prior to the London ICANN/GAC meetings. Our comments in London represent only a preliminary reaction, and we anticipate the need to provide more detailed responses at a later time.

Compliance:

- The NGPC's commitment to provide periodic updates regarding ICANN's Compliance Department's enforcement of new gTLD safeguards is constructive. Such updates should occur, at a minimum, at each ICANN meeting and the GAC should be afforded opportunities to submit questions in advance of such updates on a consistent and regular basis. .

WHOIS Accuracy:
- The series of GAC questions related to WHOIS accuracy apparently hinge on the creation of a new Accuracy Reporting System, for which a Request for Proposal was posted on May 16, 2014. In view of the high level of interest in this matter among governments, ICANN should consider providing an opportunity for the GAC to review the RFP to ensure that the needs of government users of the WHOIS system will be effectively met. ICANN should also provide a complete briefing and update regarding the RFP and the initiation of the system during the Los Angeles ICANN meeting. At that point, the proposed Pilot Report would have been issued and should be reviewed by the ICANN community.
- In addition to the RFP, the NGPC indicates that ICANN is currently consulting with registrars and the broader ICANN community to define the process by which the inaccurate records are forwarded to registrars, resolved, and re-checked by the Accuracy Reporting System.   ICANN should provide a briefing to the GAC on this consultation, and ensure that the GAC has ample opportunity to provide government views.

Security Audits:

- Similarly, the NGPC's response to the GAC's questions regarding the mechanisms and timeframes for the conduct of security checks by Registries indicates that ICANN would solicit input from the ICANN community to develop a framework for Registries to respond to identified security risks. However, the NGPC has provided no details as to either the parameters for this framework or when this consultation will occur . ICANN should provide a briefing to the GAC on this consultation, to ensure that the GAC has ample opportunity to provide government views.

Validation/Verification of Credentials in Category 1 strings:

- It is disappointing that the NGPC continues to resist the GAC's advice, beginning with its Beijing Communique, that Registries for strings representing regulated and highly regulated sectors should verify and validate the credentials of domain name registrants. The GAC advice required Registry Operators to proactively screen Category 1 Registrants to ensure that they are what they purport to be before they may do business with the public using the name of a regulated sector such as a bank or pharmacy. The looser requirement that registrants provide some "representation" that they possess the appropriate credentials (e.g. as a bank, insurer, pharmacy, etc.) poses the risk of consumer fraud and potential harm because bad actors will not hesitate to make false representations about their credentials. It would be in the best interests of those Registries whose gTLDs represent such strings to demonstrate their commitment to best practices by engaging in the verification and validation of credentials and the avoidance of consumer confusion, fraud and/or harm.
- By eliminating the requirement to consult with relevant authorities in case of doubt about the authenticity of credentials; and the requirement to conduct periodic post-registration checks to ensure that Registrants' continue to possess valid credentials and generally conduct their activities in the interests of the consumers they serve, the NGPC has swept away procedures designed to protect the public from falling prey to scammers and other criminals.
- The majority of new gTLD applicant responses to the GAC's Singapore advice fully endorse the GAC's advice regarding the importance of validation and verification of credentials. It would be constructive for the GAC to consider reaching out to the new and potential Registries on this subject during the London meeting if possible. The ICANN Board should, at a minimum, publicly recognize that a significant number of potential Registries associated with highly regulated sectors are willing to conduct the verification and validation of credentials, as an example that other Registries should endeavor to follow.

Public Interest Commitments Dispute Resolution Process (PICDRP):

- As an untested process, it is difficult to assess whether the PICDRP will provide a suitably nimble method of addressing serious threats, such as botnets and malware.
- As currently drafted, the PICDRP suggests that ICANN may decline to impose any remedial measure, even if the Registry Operator fails to comply with the compliance notice generated through the process, raising questions as to its effectiveness.
- There also appears to be a critical loophole in the PICDRP, in that there may be no resolution to the report of non-compliance. If the Registry Operator disagrees with the proposed remedial measure, they can invoke yet another alternate dispute resolution process (see B.4.4.6), all of which would occur after potentially more than 105 days has elapsed, an excessive time period in circumstances where time is of the essence, i.e, botnets, public safety concerns.

- The NGPC to reconsider the GAC's Singapore advice and, in particular, to provide a more definitive resolution process to ensure that non-compliance is effectively addressed.

Ensuring Non-Discriminatory Registration Policies:
- Transparency alone is insufficient to deter Registries from adopting discriminatory or preferential registration policies.
- The NGPC should reconsider its position, particularly since the GAC has clearly advised that it does not believe the current requirements in Specification 11 actually meet either the spirit or the intent of the GAC's advice.

Annex E

Governmental Advisory Committee

Singapore, 11 February 2015

GAC Communiqué – Singapore [1]

I.	Introduction

The Governmental Advisory Committee (GAC) of the Internet Corporation for Assigned Names and Numbers (ICANN) met in Singapore during the week of the 7th of February 2015. 65 GAC Members attended the meeting and 9 Observers. The GAC thanked outgoing Vice Chairs Tracy Hackshaw (Trinidad and Tobago) and Peter Nettlefold (Australia) for their service to the GAC.

II.	Inter-Constituency Activities & Community Engagement

1. Meeting with the ICANN Board

The GAC met with the ICANN Board and discussed a range of issues, including:

- IANA Stewardship Transition and ICANN Accountability
- gTLD Safeguards
- New gTLD program review and assessment
- 2-character labels at the second level
- Independent Review Panel and dot Africa
- Internet security
- Internet governance

2. Meeting with the Generic Names Supporting Organization (GNSO)

The GAC met the GNSO and agreed, on a trial basis and subject to ongoing adjustments as necessary, to a mechanism proposed by the GAC-GNSO Consultation Group for early engagement at the issues scoping phase of the GNSO Policy Development Process (PDP). This includes formation of a GAC Quick-Look Mechanism Committee.

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[1] To access previous GAC advice, whether on the same or other topics, past GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Recent+Meetings and older GAC communiqués are available at: https://gacweb.icann.org/display/gacweb/GAC+Meetings+Archive.

The arrangements will allow for an early indication in the PDP of whether the issue has a standing GAC advice and whether it has public policy implications, and hence is of interest to the GAC. It will also enable the GNSO to factor this in and the GAC to prepare input to be provided at the relevant stages of the PDP. This would not limit the GAC's existing ability to give advice to the ICANN Board.

3. Meeting with the Country Code Name Supporting Organisation (ccNSO)

The GAC met with the ccNSO and had a constructive exchange of views on issues raised in the Framework of Interpretation Working Group Report.

Further information is contained in this Communiqué under "GAC Advice to the Board".

4. GAC Leadership meeting with the At-Large Advisory Committee (ALAC) Leadership

The GAC and ALAC leadership groups met in open session and exchanged views on a range of issues, including: gTLD safeguards for consumer protection with regard to strings in highly regulated sectors; future involvement in the Nominating Committee; and possible enhanced co-operation and communication between the GAC and the ALAC, including inter-sessionally.

5. GAC participation in the Nominating Committee (NomCom)

The GAC met with members of the 2015 NomCom and appreciated the opportunity to discuss how the GAC can most effectively contribute to the work of the NomCom. The GAC will work on the noted issues with the objective of resolving them, should the GAC decide to resume its involvement, either within the current structure or a revised one. This includes the possibility of GAC developing criteria to guide NomCom selections.

6. Protection of Geographic Names in Future Rounds

The GAC Working Group on Protection of Geographic Names in Future Rounds convened a community session to note comments received on the Working Group paper and hear invited speakers from the community. The Working Group will continue its work inter-sessionally, including GAC engagement with the CCWG on Use of Country and Territory Names as TLDs.

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The GAC warmly thanks all SOs/ACs who jointly met with the GAC, as well as all those among the ICANN community who have contributed to the dialogue with the GAC in Singapore.

III. Internal Matters

1. New Members

The GAC welcomes Republic of Guinea, Ireland, Kazakhstan and Mauritania as new Members; and the Economic Community of West African States (ECOWAS) as a new Observer. The GAC currently has 150 Members and 32 Observers.

2. GAC Operating Principles

The GAC is continuing consideration of possible changes to its Operating Principles.

IV. Transition of US Stewardship of IANA and Enhancing ICANN Accountability

The GAC reiterates its commitment to engagement with the CWG-Stewardship; the CCWG-Accountability; and the ICG. The GAC expresses its appreciation of the substantial progress to date of the community groups. Furthermore, the GAC applauds the efforts consistently undertaken by the Co-Chairs of the CWG and CCWG to coordinate their work in view of the direct linkage between their respective work and encourages them to continue these efforts.

With regard to the CWG-Stewardship:

- GAC Members will continue to work within the CWG to develop the next version of a proposal, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC encourages individual governments to contribute through the public comment period associated with the next version of a proposal;
- The GAC will contribute to the work of the CWG towards a consensus proposal for submission to the ICG.

With regard to the CCWG-Accountability:

- GAC Members will continue to work within the CCWG to develop the proposals for enhancing ICANN's accountability, with reporting back to the GAC and guidance on major issues from the GAC as a whole;
- The GAC will work to identify particular issues for governments as both individual or collective participants in any new or enhanced mechanisms;
- The next stage of the GAC input to relevant work streams will include public policy principles that could guide development of any new or enhanced accountability mechanisms;
- The GAC will contribute to the work of the CCWG towards a consensus proposal for submission to the ICANN Board.

Both processes will have the highest priority for GAC inter-sessional work, the GAC being mindful of the updated timeline.

V. GAC Advice to the ICANN Board[2]

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

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[2] To track the history and progress of GAC Advice to the Board, please visit the GAC Advice Online Register available at: https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice

The GAC considers the Singapore 52 meeting an important milestone in confirming the record to date of the NGPC's adoption and implementation of GAC advice, as well as in setting the stage for subsequent GAC work related to the monitoring of ICANN's compliance and enforcement activities.

While the GAC appreciates the efforts of the NGPC since the 2013 Beijing meeting to respond to the GAC's advice, the GAC regrets that the NGPC has determined that requiring Registries to verify and validate the credentials of registrants for domain names in regulated and highly regulated industries poses cross-jurisdictional challenges for Registries and Registrars.

The GAC believes that its advised affirmative requirement for verification of credentials at the time of registration goes much further to meeting the goal of mitigating consumer harm and fraud than an after-the-fact complaint system. The GAC also notes that a significant number of Registries and Applicants for highly regulated strings have, consistent with GAC advice, voluntarily committed to undertaking the verification and validation of credentials.

a. **The GAC urges the NGPC to:**

    i. publicly recognize these commitments as setting a best practices standard that all Registries involved with such strings should strive to meet. In addition,

b. **The GAC recommends:**

    i. that ICANN suggest to those Registries for which such commitments have not yet been taken and for which contracts have already been signed with ICANN, that they review means and ways of introducing such provisions in view of the public policy concerns. This could also help to raise confidence in Internet-based commerce.

With regard to the Public Interest Commitments Dispute Resolution Procedure (PICDRP), the GAC appreciates the further clarification that the PICDRP process provides a potential "alternative or parallel" mechanism for a harmed party to pursue remedies that does not "preclude or limit" ICANN's normal contractual compliance process and timetable, and we urge the NGPC to continue to refine and clarify the process. At present, the GAC considers the PICDRP to be complex, lengthy, and ambiguous, raising questions as to its effectiveness in addressing serious threats.

c. **The GAC urges the NGPC to:**

    i. consider refining the PICDRP and/or to consider developing a "fast track" process for regulatory authorities, government agencies, and law enforcement to work with ICANN contract compliance to effectively respond to issues involving serious risks of harm to the public. Finally, with regard to the GAC's Beijing Category 2 advice,

d. **The GAC urges the NGPC to:**

    i. provide greater clarity as to the mechanisms for redress in the event registrants believe they have been unduly discriminated against.

2. **Protection of Names and Acronyms for Inter-Governmental Organisations (IGOs)**

The GAC will continue to work with interested parties to reach agreement on appropriate permanent protections for names and acronyms for Inter-Governmental Organisations. This will include working with the GNSO PDP Working Group on IGO-INGO Access to Curative Rights Protection Mechanisms; and with IGOs and the NGPC.

3. **Protection of Names and Acronyms for Red Cross/Red Crescent**

The GAC welcomes the steps taken to implement the NGPC resolution adopted in Los Angeles on 12 October 2014. The GAC reiterates its advice to the Board to pursue its consultations in order to confirm permanent protection of the Red Cross and Red Crescent terms and names in the current and future new gTLD rounds.

4. **Framework of Interpretation Working Group (FOIWG) Report**

The GAC notes the work of the ccNSO FOIWG, and its efforts to provide interpretive clarity to RFC1591. The GAC welcomes the FOIWG's recognition that, consistent with the GAC's 2005 Principles, the ultimate authority on public policy issues relating to ccTLDs is the relevant government. As such, nothing in the FOIWG report should be read to limit or constrain applicable law and governmental decisions, or the IANA operator´s ability to act in line with a request made by the relevant government.

5. **Accountability and Transparency**

The GAC will write to the Board, before the Buenos Aires meeting, providing details of progress on implementing relevant ATRT2 Recommendations, including those that are completed.

6. **WHOIS**

The GAC notes the receipt of a comprehensive briefing provided by the Board on the wide range of WHOIS-related activities currently underway across ICANN and the community.

7. **Release of Two-Letter Codes and Country Names at the Second Level**

    a. **The GAC advices the Board to:**

        i. amend the current process for requests to release two-letter codes to establish an effective notification mechanism, so that relevant governments can be alerted as requests are initiated.

Comments from relevant governments should be fully considered.

    b. The GAC further advises the Board to:

        i. extend the comment period to 60 days. These changes should be implemented before proceeding with pending and future requests. A list of GAC Members who intend to agree to all requests and do not require notification will be published on the GAC website.

8. Country and Territory Names

    a. The GAC advises the Board that:

        i. ICANN should work with the GAC to develop a public database to streamline the process for the release of country and territory names at the second level, as outlined in Specification 5. The database will inform whether individual GAC Members intend to agree to all requests, review them case by case, or not agree to any. The absence of input from a government will not be considered as agreement.

9. International Law, Human Rights and ICANN

The GAC decided to establish a Working Group on Human Rights Issues and the Application of International Law as these matters relate to ICANN activities. The GAC will also monitor community developments and consider how any GAC initiatives can complement any such developments.

10. Public Safety and Law Enforcement

The GAC agreed to establish a Working Group on Public Safety and Law Enforcement.

VI. Next Meeting

The GAC will meet during the period of the 53rd ICANN meeting in Buenos Aires, Argentina.