

Source: GAC Principles Regarding New TLDs

http://gac.icann.org/system/files/gTLD_principles_0.pdf

2.1. New gTLDs should respect

- a) The provisions of the Universal Declaration of Human Rights which seek to affirm "fundamental human rights, in the dignity and rights of the human person and in the equal rights of men and women
- b) The sensitivities regarding terms with national, cultural, geographic and religious significance"

Source: GNSO Principles, Recommendations and Implementation Guidelines for New gTLDs

<http://gns0.icann.org/issues/new-gtlds/pdp-dec05-fr-part08aug07.htm>

Principle G. The string evaluation process must not infringe the applicant's freedom of expression rights that are protected under internationally recognized principles of law.

Recommendation 3. Strings must not infringe the existing legal rights of others that are recognized or enforceable under generally accepted and internationally recognized principles of law. Examples of these legal rights that are internationally recognized include, but are not limited to, rights defined in the Paris Convention for the Protection of Industry Property (in particular trademark rights), the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) (in particular freedom of expression rights).

Recommendation 6*. Strings must not be contrary to generally accepted legal norms relating to morality and public order that are recognized under international principles of law. Examples of such principles of law include, but are not limited to, the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the International Convention on the Elimination of All Forms of Racial Discrimination, intellectual property treaties administered by the World Intellectual Property Organisation (WIPO) and the WTO Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). (* The NCUC submitted Minority Statements on Recommendations 6 and 20)

My note: The document has quite a bit of additional commentary on the issue of morality/ public order. Do a word search for 'morality' to find these relevant sections.

Source: DAG 4

<http://www.icann.org/en/topics/new-gtlds/draft-rfp-clean-28may10-en.pdf>

3.1.2.3 *Morality and Public Order Objection*

Anyone may file a Morality and Public Order Objection. Due to the inclusive standing base, however, objectors are subject to a "quick look" procedure designed to identify and eliminate frivolous and/or abusive objections. An objection found to be manifestly unfounded and/or an abuse of the right to object may be dismissed at any time. For more information on the "Quick Look" procedure, refer to the accompanying Explanatory Memorandum.

3.1.3 *Dispute Resolution Service Providers*

To trigger a dispute resolution proceeding, an objection must be filed by the posted deadline date, directly with the appropriate DRSP for each objection ground.

- The International Center of Expertise of the International Chamber of Commerce has agreed in principle to administer disputes brought pursuant to Morality and Public Order and Community Objections.

3.2 *Filing Procedures*

- For a Morality and Public Order Objection, the applicable DRSP Rules are the Rules for Expertise of the International Chamber of Commerce.2

3.4.3 *Morality and Public Order Objection*

An expert panel hearing a morality and public order objection will consider whether the applied-for gTLD string is contrary to general principles of international law for morality and public order, as reflected in relevant international agreements. Under these principles, everyone has the right to freedom of expression, but the exercise of this right carries with it special duties and responsibilities. Accordingly, certain limited restrictions may apply. The grounds upon which an applied-for gTLD string may be considered contrary to morality and public order according to internationally recognized standards are:

- Incitement to or promotion of violent lawless action;
- Incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin;
- Incitement to or promotion of child pornography or other sexual abuse of children; or
- A determination that an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and public order that are recognized under general principles of international law.

Source: GAC Discussion at ICANN Brussels

<http://brussels38.icann.org/meetings/brussels2010/transcript-qac-new-qtlds-sesion-22jun10-en.txt>

My note: This is lengthy, but worth reading to understand the perspectives of various GAC members.

Source: GAC/ Board Discussion at ICANN Brussels

<http://brussels38.icann.org/meetings/brussels2010/transcript-qac-board-meeting-22jun10-en.txt>

My note: The dialogue on morality and public order starts two thirds of the way into this document, and begins with this transcript:

>>CHAIR KARKLINS: I think that this makes a good segue to the next question we have in mind to discuss. That is question which in other words is known as "MOPO," morality and public order. We came up with this abbreviation during the meeting, and it seems that the community really liked that abbreviation, "MOPO."

Source: GAC Communique from Brussels

http://gac.icann.org/system/files/Brussels-communique_0.pdf

III. New gTLDs, including the Morality and Public Order issues

The GAC was grateful to receive a briefing update from ICANN staff on the changes incorporated in version 4 of the Draft Applicant Guidebook (DAG4). The GAC wishes to acknowledge the dedicated work of the ICANN staff in addressing the issues of concern for the GAC. The GAC will provide a full response to DAG4, including issues related to the Morality and Public order, in accordance with the timeline for the public consultation.