Next Round of New gTLDs

ICANN Board Community Consultation on Implementation Framework for Content-Related Registry Commitments

Preview of Second Discussion with the At-Large CPWG for APRALO Policy Forum

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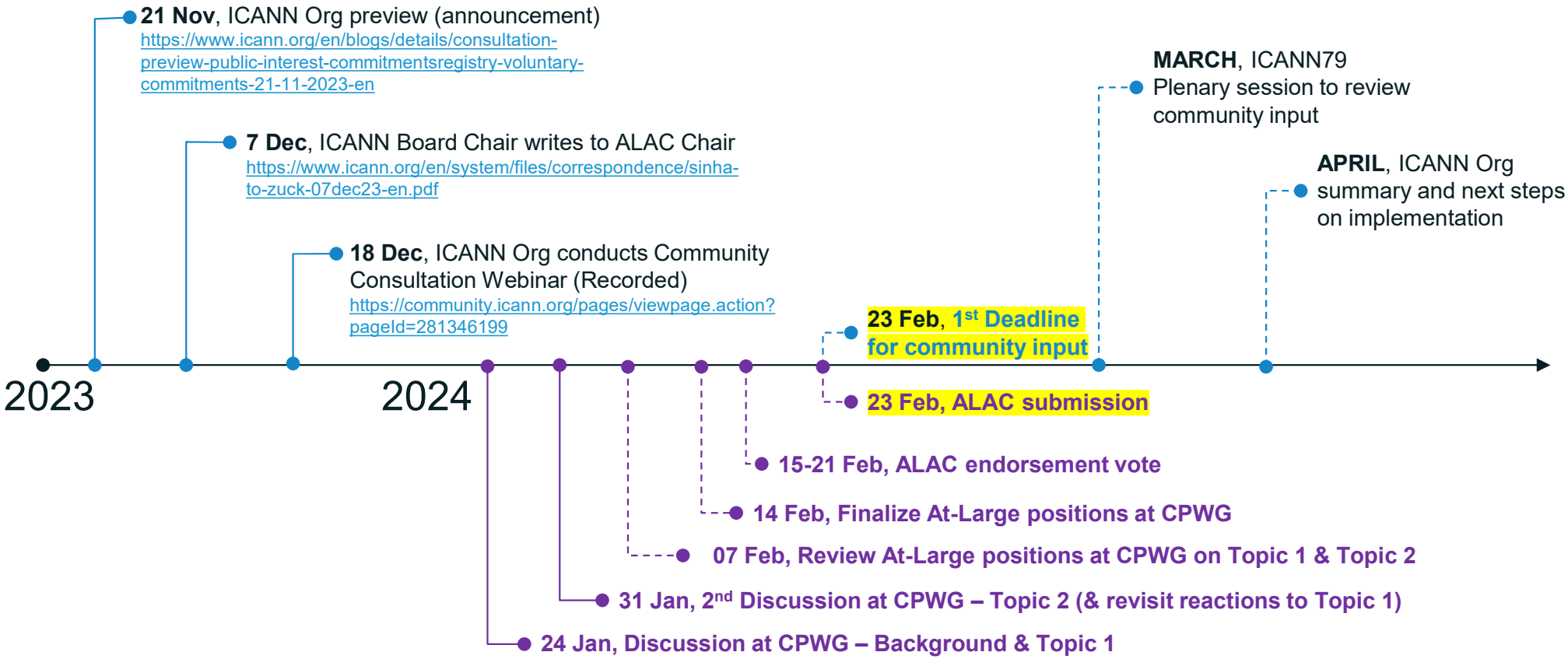
ICANN
AT-LARGE

Agenda

- Timetable for Consultation & Input
- Background
  - **What is the issue and why does it arise?**
- What input is the ICANN Board seeking?
  - **Consultation Topic 1 – Proposed Implementation Framework for Content-Related Registry Commitments**
  - **Consultation Topic 2 – Scope of Content-Related Registry Commitments in light of ICANN's Mission**
- Preparing ALAC's input
  - Board-given Googleform

Timetable for Consultation & Input

ICANN Board & ICANN Org



ALAC & CPWG

Background: What is the issue & why does it arise?

2012 ROUND, New gTLD Program saw introduction Public Interest Commitments to handle content-related issues:
-**Mandatory PICs**: GAC Advice (DNS Abuse mitigation, clear non-discriminatory registration policies, generic strings etc)
-**Safeguard PICs**: GAC Advice (highly sensitive, regulated industry strings)
-**Voluntary PICs**: Anything volunteered by applicant to address comments, GAC Early Warning, GAC Advice, objections
-**(Voluntary) Community gTLD PICs**: Registration eligibility, content limits
These were all accepted and put into respective Registry Agreements

2016 IANA TRANSITION, adoption of Bylaws with defined Mission, explicitly calls out content as outside of ICANN's remit
-Article 1, Section 1.1(a) - (c)
-Article 1, Section 1.1(d) was purposefully inserted to "grandfather" the 2012 round commitments

SEP 2020 BOARD CONCERN …. Bylaws specifically limit ICANN's negotiating/contracting power to PICS that are "in service of its Mission", ….. current Bylaws language may hinder ICANN from entering into and enforcing content-related registry commitments in Next Round.

2021 SUBPRO PDP led to community-developed policy recs on PICs & Registry Voluntary Commitments:
-Continue to have PICs for highly sensitive, regulated industry strings
-Allow applicants to propose additional RVCs even if they fall outside ICANN's core mission, as being consistent with Bylaws so long as neither ICANN not any 3rd party under ICANN's control is required to pass judgment on content

2023 BOARD ADOPTION of policy recommendations on PICs & RVCs based on GNSO Council's clarification that such commitments must be enforceable under the Bylaws and as a practicable matter. **Hence the Board wishes to understand the scope of that enforceability.**

En bref, PICs compared with RVCs

PUBLIC INTEREST COMMITMENTS

- **Mandatory PICs**: GAC Advice
  -DNS Abuse mitigation, clear non-discriminatory registration policies, generic strings
  -RA Spec 11 3 (a)-(d)

- **Safeguard PICs**: GAC Advice
  -highly sensitive, regulated industry strings
  -different safeguards apply depending on the string
  -RA Spec 11 4

- **Pretty standard because these are mandatory**
- **Hence easy to include in RA**

REGISTRY VOLUNTARY COMMITMENTS

- **Other Voluntary PICs**:
  -Anything volunteered by applicant to address comments, GAC Early Warning, GAC Advice, objections
  -RA Spec 11 2

- **Community gTLD PICs**
  -Voluntarily proffered by Community gTLD applicant
  -Registration eligibility, content limits
  -RA Spec 12

- **Highly variable since are purely / somewhat voluntary, on case-by-case**
- **Hence difficult in contractual administration, challenging to enforce**

What input is the ICANN Board seeking?

CONSULTATION TOPIC 1

RE: **Proposed Implementation Framework for Content-Related Registry Commitments**

- Is the Framework fit for purpose?
- What changes might the Framework require, if any?
- Are the existing dispute resolution processes effective enough to handle disputes over content-related commitments?

CONSULTATION TOPIC 2

RE: Scope of Content-Related Registry Commitments in light of ICANN's Mission

- Should we be worried about mission creep?
- Are there content restrictions in gTLDs that ICANN must accept?
- Are there content restrictions that ICANN should not enter into?
- Must ICANN move forward with a Fundamental Bylaws change to clarify its remit regarding content-related commitments?

CONSULTATION TOPIC 1

Proposed Implementation Framework for Content-Related Registry Commitments

ICANN Board's Consultation Topic 1

- **Proposed Implementation Framework for Content-Related Registry Commitments**
  - GNSO wants RO/applicants to be able to make content-related commitments and expects ICANN to enforce contractually via RA
  - Would reduce, but not eliminate, risks of content-related commitments being challenged in view of current Bylaws language
  - Clear, objective procedures for implementation and enforcement of content-related restrictions, with RO implementing processes committed to, and not put ICANN in position of oversight at enforcement stage

A. Public Interest Commitments (PICs)

B. Registry Voluntary Commitments (RVCs)

C. Enforcement of PICs & RVCs

D. Community gTLD Commitments

E. Enforcement of Community gTLD Commitments

ICANN Board's Consultation Topic 1

- **Proposed Implementation Framework for Content-Related Registry Commitments**

A. Public Interest Commitments

a. **2012 Round Mandatory PICs**, applicable to all gTLDs, will be included in all RAs – Registry Agreements

b. **2012 Round Safeguard PICs** will be implemented for strings falling into 1 of 4 groups defined by the NGPC - New gTLD Program Committee – deemed to be applicable to highly sensitive or regulated industries

c. Applications will be assessed after the *Community Action Period* to determine whether a string applicable to highly sensitive or regulated industries

ICANN Board's Consultation Topic 1

B. Registry Voluntary Commitments

a. Applicants can submit RVCs in their application for evaluation.

b. Applicants may propose RVCs in response to comments, objections, early warnings during the *Community Action Period*, or at any time prior to execution of RA. **But** if proposed after application submission date, will be considered as Application Changes, requirements apply.

c. Requirements for RVCs:

i) Each proposed RVC will be evaluated for clear, objective, process-oriented approach for implementing & administering specific restrictions or requirements within proposed gTLD

ii) Applicants must engage an independent third party – that's approved by ICANN – to periodically audit compliance with any content-related RVCs and certify such compliance to ICANN. Third party must be identified along with RVC proposed for evaluation

iii) RVCs may be limited in time, duration and/or scope – any such limitation must be clearly set out in proposed RVC, using objective criteria that identify triggers (eg timing), for transparency and enforcement

ICANN Board's Consultation Topic 1

B. Registry Voluntary Commitments (cont'd)

d. If RVC passes evaluation, as proposed or modified as agreed between applicant-ICANN, RVC will be included in RA if string is delegated.

e. Applicant & ICANN must agree that RVC is enforceable for it to be approved for inclusion in applicable RA.

f. If applicant & ICANN cannot agree on specific wording of RVC during evaluation, that RVC will not be approved.

g. Any future modifications to the RVC in an RA must be implemented via an amendment of the RA, where if material to ICANN, are subject to Board review, and possibly a public comment process.

C. Enforcement of PICs & RVCs

a. Enforceable by ICANN

b. May utilize the PICDRP – Public Interest Commitment Dispute Resolution Process

c. PICDRP may be modified during implementation of the Next Round

ICANN Board's Consultation Topic 1

D. Community gTLD Commitments

a. Community TLD applicants must propose community-specific commitments in their applications, incl. possible restrictions on use and content, per 2012 round. But,
   i) Unlike before, these will be evaluated regardless of whether or not applicant proceeds to CPE – Community Priority Evaluation – as result of string contention
   ii) These commitments are subject to same evaluation framework as B
b. Commitments will be evaluated, must be agreed between applicant & ICANN before any CPE occurs
c. If proposed commitment does not pass evaluation, it would not be counted for scoring as part of CPE, and cannot be included in RA even if application succeeds
d. If commitment passes evaluation, as-is or modified as agreed between applicant and ICANN during evaluation process, that commitment will go into RA Spec 12
e. Any future additions, modifications to commitments must be implemented via amendment to RA, per Procedure for Community gTLD Change Request

E. Enforcement of Community gTLD Commitments

a. Enforced by ICANN via RRDRP – Registry Restrictions Dispute Resolution Procedure
b. RRDRP may be modified during implementation of the Next Round

SUMMARY of ICANN Board's Consultation Topic 1

⊙ Highlights of Proposed Implementation Framework for Content-Related Registry Commitments

PUBLIC INTEREST COMMITMENTS	REGISTRY VOLUNTARY COMMITMENTS	COMMUNITY gTLD COMMITMENTS
[1] 2012 Round Mandatory PICs, applicable to all gTLDs → RA	**[3] RVCs in response to comments, objections, early warnings** possible (i) during community comment period or (ii) up to contracting; may trigger Application Change Request procedure. **Requirements for RVCs:** i) clear, objective, process-oriented approach for implementing & administering specific restrictions or requirements ii) independent third party approved by ICANN to periodically audit compliance and certify such compliance to ICANN. iii) If limited in time, duration and/or scope – must be clearly set out, using objective criteria for transparency and enforcement Applicant-ICANN must agree on RVC language, else not approved	**[4] Community gTLD Commitments** • Likely, includes possible restrictions on use and content • Will be evaluated • If does not pass evaluation, cannot be counted for scoring as part of CPE, and cannot be included in RA even if application succeeds
[2] 2012 Round Safeguard PICs assessed after community comment to determine whether needed for RA		
Enforcement: Contractual Compliance	**Enforcement**: PICDRP, Contractual Compliance	**Enforcement**: RRDRP, Contractual Compliance

ICANN Board's Consultation Topic 1 Qs-1/2

Q1. Moving forward, both ICANN Org and applicant must agree that a proffered RVC is clear, detailed, mutually understood, and sufficiently objective and measurable to be enforceable.

If ICANN and applicant cannot agree on final RVC language that is enforceable under the ICANN Bylaws and as a practicable matter, should the application be allowed to move forward without that RVC, even though the RVC was proposed as means to resolve an objection, GAC Early Warning etc?

- Yes or no?

Q2. Why yes or why no?

Q3. Should all applicants that propose RVCs and Community gTLD commitments be required to designate a third party to monitor compliance, regardless of whether or not the commitments relate to the contents within an applied-gTLD?

- Yes or no?

Q4. Why yes or why no?

At-Large Position Development – Recap from 24 Jan

Q1. If ICANN and applicant cannot agree on final RVC language that is enforceable under the ICANN Bylaws and as a practicable matter, should the application be allowed to move forward without that RVC, even though the RVC was proposed as means to resolve an objection, GAC Early Warning etc?

- Yes or no?

Q2. Why yes or why no?

YES

1. Application **CAN** move forward without RVC if RVC language rejected was to address **a comment or a GAC Early Warning**.

2. A comment does not have weight of an objection, could be menial / frivolous; could still lead to Objection if meritorious

3. GAC Early Warning (unlike GAC Consensus Advice) serves as mere warning; could be resolved inter-partes, or if not, there's scope for Objection

NO

4. Application **CANNOT** move forward without *satisfactorily* addressing an **Objection**.

5. Objection is a formal process requiring substantiation / reason(s) for disapproval, so unlikely to be menial / frivolous

6. If RVC does not address Objection to ICANN's satisfaction, then Objection procedure acts as "final arbiter"

QUESTION

Who is final arbiter of RVC acceptability – Board or ICANN Legal?

NOTES

ICANN must agree to RVC language – irrelevant whether applicant has good intentions – contract law practice – ICANN won't include things it does not intend to enforce.

At-Large Position Development – Recap fr. 24 Jan

Q3. Should all applicants that propose RVCs and Community gTLD commitments be required to designate a third party to monitor compliance, regardless of whether or not the commitments relate to the contents within an applied-gTLD?

- Yes or no?

Q4. Why yes or why no?

YES	NO
1. Have **blanket practice for requiring** applicant proposing RVC to also designate third party compliance monitor	4. **Possibly unfair and too resource-intensive on applicants** to have to propose monitoring mechanism along with RVC
2. Too subjective to determine if something is content-related or not, hence blanket practice easier	5. Too subjective to determine if something is content-related or not, we need a standard or an arbiter
3. **Clearly for Community gTLD commitments** – these will invariably have "content use and restriction" as part of application anyway	6. Too general to conclude every RVC requires a third party monitor

QUESTIONS
What about ICANN Bylaws "no-content" limitation - will blanket requirement for third party monitoring overcome this?
Can we ask ICANN to enforce commitments that are not subject of consensus policy?
Could Contractual Compliance be asked to say whether monitoring of an RVC is beyond them?
Who is final arbiter of RVC acceptability – Board or ICANN Legal?

ICANN Board's Consultation Topic 1 Qs-2/2

Q5. Are there changes that should be made to proposed implementation framework?

- Yes or no?

Q6. If yes, what changes should be made, and why?

Q7. Are there specific improvements to be made to the PICDRP and RRDRP to ensure their effectiveness as dispute resolution mechanism for PICs and Community gTLD Commitments?

- Yes or no?

Q8. If yes, why?

Q9. Any further comments on the proposed implementation framework?

At-Large Position Development – Recap fr. 24 Jan

Q5. Are there changes that should be made to proposed implementation framework?

- Yes or no?

Q6. If yes, what changes should be made, and why?

YES TO CHANGES	NO	QUESTIONS
1. Must be a way to disallow / prevent an RVC which gets into RA from being changed / eroded by applicant, RO or successor, to disregard the "issue" it sought to address, esp. if "issue" is still live		Who is final arbiter of RVC change acceptability – Board or ICANN Legal?
2. Need some limits on ability to change RVC - has to make sense, balancing public interest vs commercial feasibility.		Can ICANN org sufficiently act as gatekeeper to preserve negotiated RVCs in RA?
3. Application Change Request procedures, RA amendment public comment proceedings are likely to be too community-resource intensive.		

At-Large Position Development – Recap fr. 24 Jan

Q7. Are there specific improvements to be made to the PICDRP and RRDRP to ensure their effectiveness as dispute resolution mechanism for PICs and Community gTLD Commitments?

- Yes or no?

Q8. If yes, why?

YES TO PICDRP	RRDRP?	QUESTIONS
1. Currently, PICDRP requires that the person filing the dispute to show they have been measurably harmed. That may render a PIC/RVC effectively unenforceable / rather useless.		Who is final arbiter of RVC change acceptability – Board or ICANN Legal?
2. PICDRP should be modified to also allow complaints against any alleged PIC/RVC violation on the ground of foreseeable harm to complainer or to third parties.		Can ICANN Org act sufficiently as gatekeeper to preserve negotiated RVCs in RA?

Q9. Any further comments on the proposed implementation framework?

CONSULTATION TOPIC 2

Scope of Content-Related Registry Commitments in light of ICANN's Mission

2012 Round Registry Commitment Examples 1/3

Eg-1 .porn – Anti-Abuse commitment, RA Spec 11 4(a), 4(c) [p.18 of letter]

(a) Anti-Abuse Policy. Registrants to agree to terms of RO's Anti-Abuse Policy in Ry-Registrant Agreement … including:

ii. Child Protection Labeling – RO permitted to label sites & any site to which such sites are automatically redirected irrespective of TLD for child protection purposes; registrant consents

iii. Prohibition on Child Abuse Images and Conduct or Content Designed to Suggest Presence of Child Abuse Images – "child abuse images" defined
– registrant sites shall not display any child abuse images
– registrant sites shall not engage in practices design to suggest presence of child abuse images, including in meta-tags
– RO will refer sites in violation to child safety hotlines

(c) Child Protection Zone File Review. On quarterly basis, RO will apply its proprietary child protection keyword list against TLD zone file – if registered SLD found to include keyword on that list and is a SLD designed to suggest presence of child abuse images, RO will report such DN to child safety hotlines

2012 Round Registry Commitment Examples 2/3

Eg-2 .ooo – Anti-Abuse commitment, RA Spec 11 4(c) [p.19 of letter]

(c) RO will develop and add to the AUP language that specifically calls out and prohibits the use of DNs that might cause confusion with the Triple Zero Emergency Call Service.

Eg-3 .win – Anti-Abuse commitment, RA Spec 11 2 [p.19 of letter]

Additional Mechanism – Abuse Prevention and Mitigation Seal:

- RO intends to further augment the security and stability of its TLD by implementing the APM Seal as outlined in Section 6.3 of our response to Q.28
- APM Seal will provide users & stakeholders in the sector with a one-click mechanism for how to access relevant APM processes and will include an IP address geo-location mechanism that will provide enhanced features for website visitors from specific geographic regions
- Registrants required to implement APM Seal on their webpages so that uses can click and be taken to web resource detailing how to report and address abuse on the TLD.

2012 Round Registry Commitment Examples 3/3

Eg-4 .coach – Brand protection commitment, RA Spec 11 4(c) [p.20 of letter]

"Coach" is a generic, dictionary term, attractive to registrants, so TLD will remain open to all registrants who will put them to lawful use.

However when used in connection with certain branded consumer products, RO will use commercially reasonable efforts to consult with that brand holder, and in RO's discretion, will reserve certain names that would likely interfere with rights of that entity.

Eg-5 .pars – Community gTLD commitment, enforcement mechanism, RA Spec 12 [p.21 of letter]

Content/Use Restrictions

- RO will have AUP and registration policies that will govern how a registrant may use its registered name.
- RO will ask all members to honor the Persian Culture, Heritage and language; require registrants to promote the Persian language
- RO will explore use of automated measures to search for / evaluate use of Persian scripts on websites registered in this TLD
- Non-compliance will lead to punitive action, website possibly de-listed

Enforcement

- RO will have complete enforcement rights, do random audits to ensure compliance

ICANN Board's Consultation Topic 2 1/2

Q1. ICANN's current Mission could impact ICANN's ability to enter into and enforce content-related registry commitments contemplated for future RAs. ICANN Board is concerned with proceeding to permit content-related commitments to be negotiate into RAs if there's significant potential for such commitments to be challenged as beyond ICANN's Mission.

Are there types of content restrictions in gTLDs that could be proposed by applicants that ICANN must accept as a matter of ICANN Consensus Policy?

- Yes or no

Q2. Why yes or why no? If yes, identify with specificity, types of content-related commitments that we believe must be permitted.

Q3. Are there any types of content restrictions that ICANN should not enter into, considering scope of ICANN's Mission?

- Yes or no

Q4. Why yes or why no? If yes, identify with specificity, types of content-related commitments that we believe should not be permitted.

ICANN Board's Consultation Topic 2 2/2

Q5. Do we agree that ICANN must move forward with a Fundamental Bylaws change to clarify ICANN's contracting remit regarding content-related commitments?

- a. **No.** ICANN should not accept any content-related RVCs or Community gTLD commitments, so no Bylaws amendments required
- b. **No.** While ICANN must accept, agree to, enter into and enforce RVCs or Community gTLD commitments, no clarification to the Bylaws is required
- c. **Yes.** ICANN must accept, agree to, enter into and enforce RVCs or Community gTLD commitments, and ICANN must move forward with a Fundamental Bylaws change to clarify its contracting and enforcement remit regarding content-related commitments

Q6. Explain choice of answer in Q5.

Q7. Any additional comments or info that's critical to inform this community dialogue concerning content-related commitments?

RESOURCE SLIDES

ICANN Bylaws, Article 1, Section 1.1(a): Mission

(a) The **mission of ICANN is to ensure the stable and secure operation of the Internet's unique identifier systems** as described in this Section 1.1(a) (the "Mission"). Specifically, ICANN:

(i) **Coordinates the allocation and assignment of names in the root zone of the Domain Name System ("DNS")** and **coordinates the development and implementation of policies concerning the registration of second-level domain names in generic top-level domains ("gTLDs")**.....

(ii) **Facilitates the coordination of the operation and evolution of the DNS root name server system**.

(iii) **Coordinates the allocation and assignment at the top-most level of Internet Protocol numbers and Autonomous System numbers** (~ providing registration services and open access for global number registries as requested by IETF and RIRs; and facilitating development of global number registry policies by the affected community and other related tasks as agreed with the RIRs)

(iv) **Collaborates with other bodies as appropriate to provide registries needed for the functioning of the Internet as specified by Internet protocol standards development organizations** (~ providing registration services and open access for registries in the public domain requested by Internet protocol development organizations)

ICANN Bylaws, Article 1, Section 1.1(b)-(d): Mission

(b) ICANN shall not act outside its Mission.

(c) **ICANN shall not regulate** (i.e., impose rules and restrictions on) **services** that use the Internet's unique identifiers or the **content that such services carry or provide**, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority. …..

(d) **For the avoidance of doubt and notwithstanding the foregoing**: ….. [GRANDFATHER PROVISION]

(ii) Notwithstanding any provision of the Bylaws to the contrary, the terms and conditions of the documents listed in subsections (A) ….., and **ICANN's performance of its obligations or duties thereunder, may not be challenged** by any party in any proceeding against, or process involving, ICANN (including a request for reconsideration or an independent review process pursuant to Article 4) **on the basis that such terms and conditions conflict with, or are in violation of, ICANN's Mission or otherwise exceed the scope of ICANN's authority or powers** pursuant to these Bylaws or ICANN's Articles of Incorporation:

(A) (1) **all registry agreements** and registrar accreditation agreements between ICANN and registry operators or registrars in force on 1 October 2016 [1], including, in each case, any terms or conditions therein that are not contained in the underlying form of registry agreement and registrar accreditation agreement;

(A) (2) **any registry agreement** or registrar accreditation agreement not encompassed by (1) above to the extent its terms do not vary materially from the form of registry agreement or registrar accreditation agreement that existed on 1 October 2016; ….

(iii) Section 1.1(d)(ii) does not limit the ability of a party to any agreement described therein to challenge any provision of such agreement on any other basis, including the other party's interpretation of the provision, in any proceeding or process involving ICANN.

(iv) **ICANN shall have the ability to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission**.

2023 Base Registry Agreement – 2 Sources of PICs 1/2

A) Per Base RA Spec 11 (30 Apr 2023)

1. RO to use only ICANN accredited registrars (signed a Registrar Accreditation Agreement (RAA)) approved by ICANN Board

2. RO to operate TLD in compliance with **all commitments, statements of intent**, business plans **in sections of RO's application as inserted**; such obligations shall be enforceable by ICANN and through PICDRP. **(These are the ones designated as Voluntary PICs)**

3. Per **GAC Advice**, RO to perform **specific PICs** (unremedied breach may lead to termination of RA)

   (a) No DNS abuse or other activities contrary to applicable law.

   (b) Periodic security threats analysis – pharming, phishing, malware, and botnets – and maintain reports.

   (c) Clear registration policies

   (d) If operating a "Generic String" TLD, may not impose eligibility criteria for registering names.

2023 Base Registry Agreement – 2 Sources of PICs 2/2

B) Per GAC Category 1 Safeguards Framework

4. NGPC – GAC Beijing Communique – **Framework of 10 Safeguards for 4 groups of sensitive/regulated strings** (see: https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf)

    1. Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions: Cat 1 Safeguards 1-3
        - *eg .kids, .eco, .med, .finance, .care, .mba, .game, engineer, .law, .capital, .weather*
    2. Highly-Regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions: Cat 1 Safeguards 1-8
        - *eg. .pharmacy, .bank, .casino, .charity, .university, .lawyer, .llc*
    3. Potential for Cyber Bullying/Harassment: Cat 1 Safeguards 1-9
        - *eg. .fail, .gripe, .sucks, .wtf*
    4. Inherently Governmental Functions: Cat 1 Safeguards 1-8 and 10
        - *eg. .army, .navy, .airforce*

There is to be a process ("*Community Action Period*") to determine if strings fall into the NGPC framework, this will be included in AGB along with info on ramifications.

GAC Category 1 Safeguards: Examples of safeguards

	gTLD & Cat 1 Safeguards	Provision in the Registry Agreement
1	.eco: Safeguards 1-3	RO to include in RRA requiring Rr to include in Registration Agreement: • 1- 3(e) requirement for registrants to comply with all applicable laws • 2- 3(f) that Rr notifies registrants of 3(e) at time of registration • 3- 3(g) requirement for registrants who collect & maintain sensitive health and financial data implement reasonable, appropriate security measures, as defined by applicable law.
2	.bank, Safeguards 1-3 & 4-8	In addition to 3(e) – 3(g), RO has to: • 4- 3(h) proactively create a pathway to working relationship with relevant regulatory or industry self-regulatory bodies for specified purposes • 7- 3(k) consult with relevant national supervisory authorities regarding authenticity if RO receives a complaint expressing doubt on that Also RO to include in the RRA requiring Rr to include in Registration Agreement requiring: • 5- 3(i) registrants to provide up-to-date contact info, for notification of complaints / reports of registration abuse etc • 6- 3(j) registrant to represent it possesses any necessary authorization, charter, licence, credentials for participation in the sector associated with the TLD • 8- 3(l) registrants to report any material changes to validity of registrants' authorizations, charters, licenses, credential etc for continued conformance
3	.sucks, Safeguards 1-3 & 4-8 & 9	In addition to 3(e) – 3(l), RO has to: 9- 3(m) RO to develop, publish registration policies to min risk of cyber bullying and/or harassment
4	.army, Safeguards 1-3 & 4-8 & 10	In addition to 3(e) – 3(l), RO has to in RRA requiring Rr to include in Registration Agreement: 10- 3(m) requiring registrants' representation to take step to ensure against misrepresentation or falsely implying by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.

An Example of Community TLD RVCs: .kids

- gTLD from 2012 Round
- Registry Agreement dated 2 July 2021
  - **Voluntary PIC per Spec 11 2(c)**
    - ***RO makes a commitment to promote kids-friendly content on the Internet with relevant registration policies and guidelines for the registrants based on the UNCRC***
  - Community Registration Policy per Spec 12
    - Eligibility: 2) ***Content, including the domain name itself, and services provided through the .kids domain must be appropriate for children under the age of 18 and must not include any materials related to inducing kids to engage in: gambling, illegal drugs, pornography & obscenity, violence, alcohol, tobacco, criminal activities***.
    - Eligibility: 3) ***Illegal content is strictly prohibited*** *(including but not limited to trafficking, substance abuse, phishing, copyright infringement, and* ***other illegal content as defined by the laws of the country for which the registrant and/or the sponsoring registrar resides****)*
    - Content/User Restrictions: *Mandatory for all .kids registrants to adhere to Guiding Principles – violation whether or not intentionally by registrant, especially if such violation results in the* ***proliferation of materials likely to harm and disturb kids****, will be grounds for cancellation, suspension and takedown of the DN.*
    - Enforcement: *To facilitate enforcement of requirements and Guiding Principles, a complaint-response system is implemented by RO through an online portal. Upon receipt of a complaints, a takedown decision will be initiated depending on the type of complaint report filed – "Protection Scheme" – to strike a balance between protecting kids from unwanted materials and FOE online.*

Who currently enforces a PIC and how?

- How are commitments currently monitored and/or enforced? Per the RA:
  - **Audit** - ICANN Contractual Compliance conducts audits to assess compliance with Spec 11 PICs
  - **Complaints** – ICANN Contractual Compliance checks complaints for relevance, completeness etc; if found to have merit, can empanel a PICDRP to determine if RO violated PIC
  - **PICDRP** - ICANN Contractual Compliance enforces any determination from a PICDRP which rules that an RO has violated a PIC
    - 2 examples: .feedback; .pharmacy
  - Separately, **RRDRP** - ICANN Contractual Compliance checks complaints against Community Registration Policy (Spec 12) violations for relevance, status etc; if found to have merit and unresolved, can enforce against RO
    - No RRDRPs filed to-date