The ICANN GNSO "Business Constituency"

BC Members Call on GAC Advice

Wednesday, May 1st, 2013

11 am EST

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Background for BC comments on Beijing GAC Advice
1-May-2013

Public Comment page here. Initial comments due 14-May; Reply comments close 4-Jun.

The full GAC Communique and Advice from Beijing is at
http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf

Just the Safeguards in section IV 1.b and Annex 1 are being posted for public comment.

But I think the BC could also post separate comments on other GAC advice, such as Singular-Plural contention sets, Whois, etc.

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1. New gTLDs:

a. GAC objections to specific applications (. africa . gcc . islam . halal)

b. Safeguards for new gTLDs (Annex 1)

1. Registry does Whois verification checks 2x per year
2. Registrant ToS should prohibit malware, botnets, phishing, piracy, TM/copyright infringement, fraud, deception, or anything contrary to applicable law.
3. Registry to periodically check domains in TLD for security threats (pharming, phishing, malware, botnets). Notify registrar and suspend domain if no immediate remedy.
4. Registry to maintain stats on inaccurate Whois , security threats found, and actions taken.
5. Registry needs mechanism to handling complaints about inaccurate Whois, security, etc.
6. Registry must ensure immediate consequences (incl suspension) for inaccurate Whois or domain use in breach of applicable law

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Safeguards for Category 1 gTLDs: consumer protection, sensitive strings and regulated markets (non-exhaustive list of TLDs in annex 1, page 9)

1. Registrant ToS should require compliance with applicable laws, incl privacy, consumer protection, fair lending, organic farming, disclosures
2. Registry will require registrars to notify registrants of ToS at time of registration.
3. Registry will require registrants collecting sensitive health or financial data have reasonable security measures as defined by applicable laws and industry standards.
4. Registry to establish relationship with regulators or industry self-regulatory body, plus strategy to mitigate risks of fraud & illegal activities.
5. Registry will require registrars to have single point of contact for complaints and mitigation

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Additional Safeguards for Category 1 gTLDs in financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity:

6. Registry must verify and validate registrant authorization, charter, license or other credentials

7. if in doubt about credentials, Registry should consult with national supervisory authority

8. Registry must do periodic checks on registrant validity and compliance with above requirements.

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Safeguards for Category 2 gTLDs: restricted registration policies

1. Strings in Category 1 may restrict registration, appropriate to risks. Be transparent and give equal access to registrars and registrants.

2. Generic gTLDs may have "exclusive" registry access if it serves a public interest goal. Non-exhaustive list of generic terms where applicant has proposed exclusive 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

c. For further GAC consideration (.amazon .patagonia .date .spa .yun .thai .zulu .wine .vin)

d. Ability for applicants to change applied-for string in order to address GAC concerns

-- no prior BC position. Concerns with changing strings?

e. Opinion of impacted community should be duly taken into account

-- consistent with BC support for community priority for new gTLDs (2010)

f. Reconsider contention sets for singular and plural versions of the same string.

--consistent with BC consensus discussions before and in Beijing

g. Initial protection for intergovernmental organization names and acronyms at second level

--no official BC position, but generally supportive of GAC;

--BC should support "Strawman" TMCH warning notices for IGOs -- at least until GAC review of RPMs one year after 75th gTLD is launched.

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2. finalize RAA and require it for registrars selling domains in new gTLDs.
   --consistent with BC position (Jan-2012)

3. GAC's 2007 Whois Principles should be "duly taken into account" by Directory Services Expert Working Group. (Susan K)

4. Amend registry agreement to require permanent protection of Olympics and Red Cross
   --no official BC position, but generally supportive of GAC;

5. more information on Public Interest Commitments (PIC) Specifications:
   1. can 3rd party or governments raise concern about PIC compliance?
   2. can applicants later amend their PICs?
   3. will ICANN make registry operators aware of their PICs?
   4. requirements to maximize public visibility of PICs?
   5. how to amend where a registry made no PICs? (but should have)
   6. Are PICs enforceable?
   --BC said ICANN should enforce PICs
   7. Will ICANN follow sanctions recommended by PIC DRP?
   8. Measures to remediate serious damage from past registration policies?