

Community Objection Grounds for _____HEALTH_____

Community

The objector must prove that the community expressing opposition can be regarded as a clearly delineated community. A panel could balance a number of factors to determine this, including but not limited to:

Criteria for community	Pass/Fail	Notes
The level of public recognition of the group as a community at a local and/or global level		As a network of networks the global public health community is vast and diverse, while linked by common goals, values and the public interest. Representatives come together annually at the World Health Assembly, at the World Health Organization (WHO) in Geneva (194 countries, hundreds of NGOs; public and private sector) to address global public health issues.
The level of formal boundaries around the community and what persons or entities are considered to form the community		Members comprise those entities related to the health sector having a mandate, civic responsibility or social concern to act in accordance with the public interest and health and consumer protection, and include the public and private sector. Members include governments (ministries of health, health entities and educational institutes), international and regional organizations, and international and regional NGOs, associations and federations of medical and public health professionals and societies around the world.
The length of time the community has been in existence		The community has existed formally for over 60 years as a recognized global community; it is comprised of many small, diverse networks that have themselves existed for decades (some for over 50 years).
The global distribution of the community (this may not apply if the community is territorial)		The community is global in nature.
The number of people or entities that make up the community.		194 governments; international and regional intergovernmental organizations, hundreds of international, regional and national NGOs, health and medical associations and federations, and associated entities working in the field of health systems and services across the world.

If opposition by a number of people/entities is found, but the group represented by the objector is not determined to be a clearly delineated community, the objection will fail.

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Substantial Opposition

The objector must prove substantial opposition within the community it has identified itself as representing. A panel could balance a number of factors to determine whether there is substantial opposition, including but not limited to:

Criteria for substantial opposition	Pass/Fail	Notes
Number of expressions of opposition relative to the composition of the community;		<p>The expressions of opposition have followed the ICANN process. They reflect the diversity, weight and opposition of a substantial part of the community, reflecting also its composition:</p> <ul style="list-style-type: none"> - WHO letters to GAC and ICANN; - European Commission letter to ICANN (representing 27 countries); - 10 Early Warnings from the Governments of France and Mali; - NGO letters (representing large networks) to GAC and (90) public comments on ICANN site; - In addition, government representatives from Europe, Africa and Eastern Mediterranean regions (some 100 countries) spoke at the WHO Executive Board in January 2013.
The representative nature of entities expressing opposition;		<p>As a network of networks there is broad variation in representativeness, from Regional organizations (EU), intergovernmental organizations (WHO), governments, large NGOs representing federated member societies and associations (e.g., with over 200,000 members, 100 member societies, 80 countries); and small and medium-sized public health interest groups that are strictly member-led.</p>
Level of recognized stature or weight among sources of opposition;		<p>In addition to governments, those expressing opposition are well-recognized, well-regarded and leading organizations, NGOs, advocates and actors in the global community. In addition, smaller NGOs and NGO networks have also come together to express opposition as a group.</p>
Distribution or diversity among sources of expressions of opposition, including: Regional, Subsectors of community, Leadership of community, Membership of community		<p>As noted above the sources of expression of opposition reflect the diverse global community: governments, regional organizations, NGOs and NGO networks (representing large associations and member societies as well as small and medium-sized groups working at the local level). This diversity represents the leadership as well as the membership of the community.</p>
Historical defense of the community in other contexts; and		<p>The types of activities undertaken by the community include identifying and addressing global, regional and national threats to health, as well as addressing health priorities that require broad consultation and coordinated action in the public interest. An example in another context is the Framework Convention on Tobacco Control, a multi-year undertaking and landmark agreement by the global public health community that was achieved despite diverse stakeholders and a complex and highly controversial topic.</p> <p>In 2000, WHO applied for .health but was not among the 7 names selected. The issues of public interest and consumer protection are as relevant today as they were over a decade ago. Some (such as data privacy) have taken on greater importance with the growth of Internet services and users in the health arena and the heavy reliance of the health sector and the public on health information, products and networking. This is true for developing countries as well, which historically have had limited access to health information and services on the Internet.</p>

Costs incurred by objector in expressing opposition, including other channels the objector may have used to convey opposition.		Not applicable.
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If some opposition within the community is determined, but it does not meet the standard of substantial opposition, the objection will fail.

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Targeting

The objector must prove a strong association between the applied-for gTLD string and the community represented by the objector. Factors that could be balanced by a panel to determine this include but are not limited to

Criteria for targeting	Pass/Fail	Notes
Statements contained in application;		All the .health applications intend to promote and market their TLD both broadly and specifically to those constituencies and beneficiaries that the global public health community is responsible to protect and serve. The applicants plan open and generic TLDs with markets described, for example, as “all (those) feeling affinity with health and associated content; those key stakeholders, providers or receivers of health products, programs and services...” and “all those interested in promoting human and animal wellness, public health, eradication of disease, and healthy lifestyles. It serves those delivering and/or seeking formal or informal health services”. Statements from one applicant on their website promotes “a safe, trustworthy, trusted and secure space for healthcare, wellness and wellbeing”. (More details can be provided as needed).
Other public statements by the applicant;		(More details can be provided as needed).
Associations by the public.		A domain name is associated with a site’s brand, origin, content or quality. The sites that fall under .health are likely to be considered as the ultimate online source of information and advice on health. Following the WHO application in 2000 for .health, which was not successful, there has been an association by the public that the .health brand would be a trusted entity. Evidence of this has appeared over the years with sites such as “dotHealth.com” and other, similar sites promoting products and services to the community.

If opposition by a community is determined, but there is no strong association between the community and the applied-for gTLD string, the objection

will fail.

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Detriment

The objector must prove that the application creates a likelihood of material detriment to the rights or legitimate interests of a significant portion of the community to which the string may be explicitly or implicitly targeted. An allegation of detriment that consists only of the applicant being delegated the string instead of the objector will not be sufficient for a finding of material detriment.

Factors that could be used by a panel in making this determination include but are not limited to:

Criteria for Detriment	Pass/Fail	Notes
Nature and extent of damage to the reputation of the community represented by the objector that would result from the applicant’s operation of the applied-for gTLD string;		As noted by the GAC, the strings associated with regulated sectors are likely to invoke a level of implied consumer trust, which is particularly problematic when it comes to health. Health is a highly-regulated sector in every country, where safeguards at the national and regional level are designed to protect consumers and the public interest. Such safeguards include for example, licensing, monitoring and enforcement mechanisms to ensure compliance with laws, regulations and policies across a broad range of activities, practices, products and services related to the health marketplace and health services delivery in all settings. Consumer protection in health is particularly important online, where national rules cannot be effectively enforced, creating new risks for consumers, industry and governments. A .health gTLD with insufficient measures to address these risks will undermine consumer trust and confidence and harm legitimate enterprise, competition and the growth of the health industry. Developing countries will suffer the most due to the lack of ability to enforce national policies to regulate, monitor, and stop fraud and misuse.
Evidence that the applicant is not acting or does not intend to act in accordance with the interests of the community or of users more widely, including evidence that the applicant has not proposed or does not intend to institute effective security protection for user interests;		The five applications are open TLDs and do not show sufficient evidence of appropriate governance functions or policies in place to protect consumers against the range of harms found on the health Internet today. Health requires special considerations and the community needs the assurance that .health TLD operators are capable to ensure that the attribution of any sub-domain meets certain base line conditions which protect consumers across a spectrum of concerns. These issues are either not mentioned or are only touched on superficially in the applications. The community was not consulted on the requirements necessary for the creation of the domain in the public interest – the current applicants have no tie with the global public health community.
Interference with the core activities of the community that would result from the applicant’s operation of the applied-for gTLD string;		The core activities of the community are to promote and protect health: this includes ensuring the public interest and consumer protection in many spheres of activity related to the health sector. The TLD applicants target their domain to consumers and healthcare entities offering services and products; as is the case today, the national laws and regulations related to the health sector cannot be effectively enforced in the online environment. It is not the mandated responsibility of the commercial sector (proposed operators of a TLD) to act in the public interest. This situation therefore interferes with the core business of the community to protect

		and promote health.
Dependence of the community represented by the objector on the DNS for its core activities;		The Internet has become a global asset for health. It is central to the core areas of health security, epidemic detection and response, emergency and disaster response, health services delivery, health and medical education, disease management and the reform of health systems worldwide. The use of the Internet in health has far-reaching implications for public health including quality of information, data security and privacy, and the promotion and sales of medical products and services. It is the backbone of information systems in many countries and provides a core means of communication to remote areas enabling access to critical health services, including for vulnerable and marginalized populations. It has become a vital tool for research, sharing knowledge resources and information, and supporting researchers and policy makers on a global basis through health information systems linking the local, national and global levels.
Nature and extent of concrete or economic damage to the community represented by the objector that would result from the applicant's operation of the applied-for gTLD string; and		<p>The .health TLD applicants by adopting a first-come first served TLD policy have adopted a financial model that targets a critical mass of new domains. Those registering under .health seeking to market their services in a trusted namespace would not be able to have that guarantee. On-going threats in the online environment would be perpetuated in a namespace without adequate protections and policies. Governments that are encouraging the uptake of the Internet for health purposes would have to reconsider their strategy for health security and health protection; in parallel they would have to continue to spend time and money on the increasingly difficult exercise of trying to enforce laws and regulations designed to protect consumers and the healthcare marketplace; developing countries would be at a special disadvantage with their limited capacity to investigate and take action.</p> <p>In addition, an important opportunity to assist the community in awareness building, capacity building and so forth is lost, since none of the current applicants have demonstrated an intention to promote or serve the public interest in this respect.</p>
Level of certainty that alleged detrimental outcomes would occur.		Given the lack of guarantees in the namespace (offered by the current applicants), the most important health players will not register .health domains. The "trust" value of the brand will therefore be diminished. The online environment will therefore continue to exist as it does today with the current, significant problems unresolved and unresolvable without proper governance. It is highly likely that consumer protection will continue to suffer and governments will remain unable to protect the public interest.

If opposition by a community is determined, but there is no likelihood of material detriment to the targeted community resulting from the applicant's operation of the applied-for gTLD, the objection will fail.