

Registration Policies for GAC Category 1 Highly Regulated Applications

The GAC Communique at the ICANN46 meeting in Beijing in April 2013 advised that new gTLDs with names that relate to highly regulated sectors should implement a set of safeguards to improve consumer protection. (GAC ICANN46 Communique:

https://gacweb.icann.org/download/attachments/27132037/Beijing%20Communique%20april%202013_Final.pdf?version=1&modificationDate=1365666376000&api=v2)

The strings to be protected included: .pharmacy, .surgery, .dentist, .dds, .hospital, .medical, .doctor, .bank, .banque, .creditunion, .creditcard, .insurance, .ira, .lifeinsurance, .mutualfunds, .mutuelle, .vermogensberater, .versicherung, .autoinsurance, .carinsurance, .bank, .banque, .creditunion, .creditcard, .insurance, .ira, .lifeinsurance, .mutualfunds, .mutuelle, .vermogensberater, .versicherung, .autoinsurance, .carinsurance, .charity, .university, .abogado, .attorney, .cpa, .dentist, .dds, .lawyer, .doctor, .corp, .gmbh, .inc, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal

The recommended safeguards were:

1. Registry operators will include in its acceptable use policy that registrants 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 require registrars at the time of registration to notify registrants of this requirement.
3. Registry operators will require 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 and recognized industry standards.
4. Establish a working relationship with the relevant regulatory, or industry self-regulatory, bodies, including developing a strategy to mitigate as much as possible the risks of fraudulent, and other illegal, activities.
5. Registrants must be required by the registry operators to notify to them a single point of contact 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. At the time of registration, the registry operator must verify and validate the registrants' authorisations, charters, licenses and/or other related credentials for participation in that sector.

7. In case of doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents.
8. The registry operator must conduct periodic post-registration checks to ensure registrants' validity and compliance with the above requirements 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.

In February 2014, the New gTLD Process Committee (NGPC) of the Board (which is empowered to act on behalf of the Board on all matters related to the New gTLD Program) adopted the safeguards for the Category 1 TLDs. The details can be found at <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>.

In essence:

- Safeguards 1, 2, 3 and 5 were implemented essentially as suggested by the GAC.
- Safeguard 4, which recommended a strong relationship with regulatory bodies, was significantly weakened.
- Safeguard 6, which required pre-registration validation of registrant credentials, was changed to require only that registrants to self-certify that they hold any necessary credentials.
- Safeguard 7, was modified to require further investigation of questionable credentials only if there was a complaint.
- Safeguard 8, which required periodic review of credentials was changed to require registrants to self-identify when and if credentials that they possess have changed.

All applicants have implemented what was specified by the NGPC. Others (such as the applicant for .bank), have implemented the full set of safeguards including pre-registration validation.

Following this, there were a number of attempts to get the NGPC to rethink this and strengthen the safeguards and help ensure that the public is protected. None resulted in any change.

During the ICANN51 meeting in Los Angeles in October 2014, the ALAC issued advice to the Board (<https://community.icann.org/x/jibxAg>) which in essence said:

The ALAC advised the Board to freeze and contracting or delegation of Category 1 TLDs and to form a group to investigate what can be done to alleviate possible consumer harm.

The NGPC indicated that they were not likely to implement a freeze, and in fact contracting and delegation has continued, but the formal advice has also never been rejected.

The GAC has since re-iterated that they are not happy with the current situation.

A number of meetings have been held, one with several members of the NGPC and ALAC, and two with those people as well as participants from Registries, other GNSO SGs and the GAC. The meetings did not result in substantive change. One outcome, however, was that the ALAC representatives (Alan Greenberg, Olivier Crepin-Leblond and Evan Leibovitch) review all of the TLDs and divided the TLDs into three groups:

- those where we believed that the implemented safeguards were sufficient – GREEN;
- those where we were either not sure due to lack of clarity in registry statements, or we thought that some change (although not pre-registration validation) was needed – AMBER; and
- those that we believed that they were definitely not sufficient – RED.

There are 25 Green, 37 AMBER and just 7 RED.

That assessment follows.

At this point, a large percentage of the Category 1 TLDs have been had contracts signed and many are in the Root. There is no practical way to force registry operators to alter their contracts without their agreement. So if there are to be any changes, it will take more than ICANN simply changing the rules.

Summary of Registration Policies for GAC Category 1 Highly Regulated Applications

	String	Portfolio/Applicant	Application Stage / Status	Staff Summary of Commitments	ALAC Concerns (Merged)
1	abogado	Top Level Domain Holdings Limited	Contracted	Restricted registration policies; single point of contact for law enforcement.	High concern for abuse but commensurate commitments.
2	attorney	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	High concern for abuse but commitments insufficient. Details of abuse monitoring and other preventative measures could lessen concern.
3	bank	fTLD Registry Services LLC	Contracted	Registration limited to verified banks, savings associations, and associations, service providers, and government regulators serving the banking industry. Registrants must demonstrate that they are eligible members of the banking community (business charter, mission statement, etc.); banks must provide government regulatory authority and ID issued by this authority.	Community TLD. Very high concern for abuse but commensurate commitments.
4	banque	GEXBAN SAS	Will Not Proceed		
5	BET	Afilias Limited	Pre Contract		Generic word and although clearly associated with gambling, not sure how one could reasonably restrict registration. But still, it is a concern.
6	bingo	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Generic word. Although bingo is regulated in some jurisdictions, it is not universal. It is relatively local calibre gambling and does not raise strong concerns.
7	casino	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	High concern. Generally regulated and potentially high risk.
8	charity	Donuts	Will Not Proceed	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	

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		Famous Four	Pre Contract	Registration is limited to entities that can establish that they are a charity or nonprofit with charitable purposes. Registry operator will implement Abuse Prevention and Mitigation Seal to allow users to obtain additional information regarding how to report and address abuse.	Very high concern for abuse but commensurate commitments.
9	cpa	Donuts	Pre Contract	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
		American Institute of Certified Public Accountants	Pre Contract	Single-registrant TLD. Applicant will review list of registered domains on a regular basis to ensure that it is not infringing on the rights of third parties.	Community TLD. Medium concern for misuse. Registration restrictions appear satisfactory.
		Google	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
		Top Level Domain Holdings Limited	Pre Contract	Restricted registration policies. Suspension/ deletion of any registrations that do not meet requirement. Will provide single point of contact for law enforcement.	Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
		American Institute of Certified Public Accountants	Pre Contract		
		CPA AUSTRALIA LTD	Pre Contract	Registration limited to CPA Australia community--CPA members, students, reciprocal members. Domains must be used in a professional manner and adhere to CPA Australia's code of conduct.	Community TLD. Medium concern for misuse. Registration restrictions appear satisfactory.
10	creditcard	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Very high concern for abuse. Credit card phishing is very common and a serious issue. TLD will lend credibility. Details of abuse monitoring and other preventative measures, including timing of such measures and restrictions preventing repeat abuse possibly could lessen concern.

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11	creditunion	CUNA Performance Resources, LLC	Contracted	Registration limited to organizations that have a meaningful nexus with the credit union sector. Initially, domains must correspond to business or trade name. Registry Operator shall have abusive policy.	Very high concern for abuse but commensurate commitments.
12	dds	Top Level Domain Holdings Limited	Pre Contract	Restricted registration policies. Suspension/ deletion of any registrations that do not meet requirement. Will provide single point of contact for law enforcement.	Medium concern, but policies, although not very rigorous, probably consistent with risk.
13	dentist	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Medium-high concern for abuse but commitments insufficient. Details of abuse monitoring and other preventative measures could lessen concern.
14	doctor	Donuts	Pre Contract	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	High concern for misuse. Unclear whether NGPC decision requires pre-validation/verification. If it does, this becomes green. If the Brice Trail (Donuts) Reconsideration Request reversing the decision to restrict usage to medical professional succeeds, this TLD requires review.
		Radix	Pre Contract		High concern for misuse. Unclear whether NGPC decision requires pre-validation/verification. If it does, this becomes green. If the Brice Trail (Donuts) Reconsideration Request reversing the decision to restrict usage to medical professional succeeds, this TLD requires review.
		The Medical Registry Limited	Pre Contract		High concern for misuse. Unclear whether NGPC decision requires pre-validation/verification. If it does, this becomes green. If the Brice Trail (Donuts) Reconsideration Request reversing the decision to restrict usage to medical professional succeeds, this TLD requires review.

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15	gmbh	TLDDOT GmbH	Pre Contract	Verification and validation of credentials and Whois. Annual post-registration check of credentials. Registration limited GMBH's, regulatory agencies, association and chambers representing GMBH's. Proxy privacy services not permitted.	Medium concern for misuse. Registration restrictions appear satisfactory.
		InterNetWire Web-Development GmbH	Pre Contract	Verification of Whois. Verification and validation of credentials. Registration limited to GMBH's and gGMBH's. Should a registrant cease to an eligible registrants the operator has the right to cancel the registration. Proxy privacy services not permitted.	Medium concern for misuse. Registration restrictions appear satisfactory.
		Donuts	Pre Contract	Verification of Whois. TLD will operate it in an inclusive manner. Registry Operator will provide, at no cost, a secure web form where applicable governments may verify the organizational status in the applicable jurisdiction of the registrant. Proxy privacy services permitted, but limited in cases of malfeasance.	Medium concern for abuse. We note that the government web form allows a government to add a record indicating approval or concern to the Whois record. Government would have to discover existence of registration, investigate and submit, and then the Internet user would have to query the Whois record. The net lessening in risk is marginal at best.
		NU DOT CO LLC	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
		Google	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
16	hospital	Donuts	Will Not Proceed	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	
17	inc	Uniregistry, Corp.	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.

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	Dot Registry LLC	Pre Contract	Verification and validation of credentials and Whois. Annual post-registration check of credentials. Registration limited to US registered organizations. Proxy privacy services not permitted.	Community TLD. Medium concern for misuse. Registration restrictions appear satisfactory.
	Afilias Limited	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
	GMO Registry, Inc.	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
	GTLD Limited	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
	Top Level Domain Holdings Limited	Pre Contract	Restricted registration policies. Suspension/ deletion of any registrations do not meet requirement. Will provide single point of contact for law enforcement.	Medium concern for misuse. Registration restrictions appear satisfactory.
	NU DOT CO LLC	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
	Donuts	Pre Contract	Verification of Whois. TLD will operate it in an inclusive manner. Registry Operator will provide, at no cost, a secure web form where applicable governments may verify the organizational status in the applicable jurisdiction of the registrant. Proxy privacy services permitted, but limited in cases of malfeasance.	Medium concern for abuse. We note that the government web form allows a government to add a record indicating approval or concern to the Whois record. Government would have to discover existence of registration, investigate and submit, and then the Internet user would have to query the Whois record. The net lessening in risk is marginal at best.
	Google	Pre Contract		Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.

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18	insurance	fTLD Registry Services LLC	Contracted	Registration limited to government-regulated insurance companies, licensed brokers, and associations, service providers, and government regulators serving the insurance industry. Domain names must comply with appropriate name selection and use requirements. Individual registrants must supply proof of affiliation with insurance community. Company registrants must provide regulatory ID. Agents, brokers, and intermediaries must provide government agency and license ID information. Audits conducted for eligibility and use requirements.	Community TLD. High concern for abuse but commensurate commitments.
19	ira	Fidelity Brokerage Services LLC	Pre Contract		Brand TLD. In theory, could be repurposed if Fidelity goes out of the business, but unlikely since they have been in this business for 70 years.
20	lawyer	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	High concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
21	LIFEINSURANCE	American Council of Life Insurers	Contracted		Closed Generic for Trade Association. They have a strong incentive to be trustworthy.
22	llc	Top Level Domain Holdings Limited	Pre Contract	Restricted registration policies. Suspension/ deletion of any registrations do not meet requirement. Will provide single point of contact for law enforcement.	Medium concern for misuse. Registration restrictions appear satisfactory.
		Dot Registry LLC	Pre Contract	Verification and validation of credentials and Whois. Annual post-registration check of credentials. Registration limited to US registered organizations. Proxy privacy services not permitted.	Community TLD: Good Validation/verification.
		NU DOT CO LLC	Pre Contract		Medium concern.

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	Donuts	Pre Contract	Verification of Whois. TLD will operate it in an inclusive manner. Registry Operator will provide, at no cost, a secure web form where applicable governments may verify the organizational status in the applicable jurisdiction of the registrant. Proxy privacy services permitted, but limited in cases of malfeasance.	Medium concern for abuse. We note that the government web form allows a government to add a record indicating approval or concern to the Whois record. Government would have to discover existence of registration, investigate and submit, and then the Internet user would have to query the Whois record. The net lessening in risk is marginal at best.
	Afilias Limited	Pre Contract		Medium concern.
	Top Level Design, LLC	Pre Contract		Medium concern.
	myLLC GmbH	Pre Contract		Medium concern.
23	Google	Pre Contract		Medium concern.
	Dot Registry LLC	Pre Contract	Verification and validation of credentials and Whois. Annual post-registration check of credentials. Registration limited to US registered organizations. Proxy privacy services not permitted.	Community TLD: Good Validation/verification.
	myLLP GmbH	Pre Contract		Medium concern.
24	Google	Pre Contract		Medium concern.
	LOTTO	Contracted		Lottos are both highly popular and highly regulated. Internet Lotto scams are common. Details of abuse monitoring and other preventative measures could lessen concern.
25	Donuts	Contracted	Verification of Whois. TLD will operate it in an inclusive manner. Registry Operator will provide, at no cost, a secure web form where applicable governments may verify the organizational status in the applicable jurisdiction of the registrant. Proxy privacy services permitted, but limited in cases of malfeasance.	Medium concern for abuse. We note that the government web form allows a government to add a record indicating approval or concern to the Whois record. Government would have to discover existence of registration, investigate and submit, and then the Internet user would have to query the Whois record. The net lessening in risk is marginal at best.
26	LTDA	DOMAIN ROBOT SERVICOS DE HOSPEDAGEM NA INTERNET LTDA	Contracted	Medium concern.

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27	medical	Donuts	Will Not Proceed	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	
28	mutualfunds	Fidelity Brokerage Services LLC	Pre Contract		Medium concern for misuse. Registration restrictions appear satisfactory.
29	MUTUELLE	Fédération Nationale de la Mutualité Française	Pre Contract		National federation. Strong incentive to ensure trust.
30	PHARMACY	National Association of Boards of Pharmacy	Contracted	Registration limited to online pharmacies and related entities that meet all regulatory standards in the jurisdictions in which they are based and in which they do business. Validation process under evaluation. Registrants must limit registration to business or trade name. Generic domains not initially reserved/allocated by the registry would not initially be permitted to be registered until discussed within the broader community. Registry operator is looking into active monitoring options for non-compliant activity. Potential creation of policy advisory board	High concern for misuse. Mitigation measures appear to be good. Although some parties would like to make allowance for "good actors" who might be bending national laws, it is unclear how that could be ensured.
31	POKER	Afilias Domains No. 5 Limited	Contracted		Unlike most other casino games where it's "player versus house", poker is "player versus player" with the host skimming a percentage. Significant potential for abuse. Applicant seems to presume that all registrants will be honest, but more detail on commitment to police or respond to reports of abuse could lower level of concern.

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32	sarl	Donuts	Contracted	Verification of Whois. TLD will operate it in an inclusive manner. Registry Operator will provide, at no cost, a secure web form where applicable governments may verify the organizational status in the applicable jurisdiction of the registrant. Proxy privacy services permitted, but limited in cases of malfeasance.	Government form allows a government to when they find out about a new registration (presumably paying for that service), they can make a comment in the WHOIS entry. Pretty useles.
33	spreadbetting	IG Group Holdings PLC	Contracted		Like .bet. Hard to imagine how it could implement pre-registration checking. Also, as much opportunity for education as gambling - MAYBE
34	SRL	mySRL GmbH	Pre Contract	Registrations limited to corporations with credentials. Suspension/ deletion of any registrations do not meet requirement. Non-Compliance Contact will be established by the Registry Operator.	Medium concern for misuse. Registration restrictions appear satisfactory.
		Google	Pre Contract		Medium concern.
35	surgery	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
36	university	Donuts	Contracted	"Open" registration policy, rights protection mechanisms including Whois audits and remediation of inaccurate data, Domains Protected Marks List, abuse monitoring and point of contact	Medium concern for abuse. Details of abuse monitoring and other preventative measures could lessen concern.
37	vermögensberater	Deutsche Vermögensberatung Aktiengesellschaft DVAG	Contracted		Applicant appears to be legitimate user for the TLD

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38	versicherung	dotversicherung-registry GmbH	Contracted	Verification and validation of credentials. Registration restricted to eligible insurance community members in Austria, Germany, Liechtenstein and Switzerland. Annual post-registration validation of credentials. Further levels of enforcement include appeals under the Eligibility Requirement Dispute Resolution Policy as well as court appeals under URDP or national courts.	Community TLD: High concern for misuse. Registration restrictions appear satisfactory.
39	慈善	Zodiac	Contracted	Registry Operator will publish registration policy for public comments for 60 days. Governments are invited to provide additional registrant eligibility criteria requirements, which shall be implemented within 180 days. The Registry Operator shall carry out routine zone file scanning designed to detect possible registration abuse.	String means: CHARITY. High concern for misuse, but PIC is very clear - pre-registration validation with governments allowed to add eligibility criteria which will be honored.

Green: we believe that the commitments in place are reasonable based on the risk.	Amber: we believe that the commitments in place, could be improved, based on the risk. Clarification with the Registry might make this Green.	Red: we believe that the commitments in place, if any, MUST be improved, based on the HIGH risk. Formal discussion with Registry needed.
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