

Proposal: Public Interest Commitment against the Confusing Use of Geographic Protected Terms (GeoPIC)

Applicable Terms:

- Only applicable to geographic and territorial terms protected under national legislation (“Geographic Protected Terms”).

Purpose:

- To address the governmental concern that an applied-for string at the top level which is identical to a Geographic Protected Term might be used in a manner:
 - that falsely suggests to the public that a connection exists between the TLD or its Operator and the Geographic Protected Term, and/or
 - that is otherwise of a nature as to mislead the public as to the existence of a connection between the TLD or its Operator and the Geographic Protected Term.

Proposed Procedure:

- I. Applicant applies for a TLD containing a Geographic Protected Term
- II. Timely objection to the TLD Application is received by ICANN from the GAC
 - Working options for what constitutes a “GAC Objection”:
 - GAC Consensus Advice
 - Objection from **five** or more GAC members
 - Objection from **three** or more GAC members
- III. the TLD Applicant agrees to a Public Interest Commitment (PIC) that requires:
 - that the TLD Applicant not use TLD in a manner that falsely suggests to the public that a connection exists between the TLD or its Operator and the Geographic Protected Term (“GeoPIC”).
- IV. GeoPIC will be included in the TLD Applicant’s Registry Agreement, should such Agreement be executed by ICANN. This GeoPIC shall be enforced in the same manner and process currently contained in the Registry Agreement for other PICs.
 - PICS are enforced through:
 - Complaints to ICANN Contractual Compliance which may result in ICANN Compliance Action
 - Formal PICDRP complaints to the PICDRP Standing Panel which can make a formal ruling of compliance or non-compliance

Benefits:

- Generally, does not require large additional expenditures of time or money from any party to implement
- Does not require the development and maintenance of a repository
- Does not create any new legal rights
- Offers some predictability for TLD Applicants while respecting individual government's concerns
- Is consistent with “permissionless” evolution of the internet
- Contains a familiar enforcement mechanism