**Updated Scorecard on GAC Beijing Advice** Prepared by Steve DelBianco 4-Jul-2013

| GAC Advice ([link](http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf)) | BC position | Response from ICANN Board/New gTLD Program Committee (NGPC) |
| --- | --- | --- |
| 1. New gTLDs: |  |  |
| a. GAC consensus objections to .africa and .gcc |  | 4-Jun NGPC resolution accepted, saying these applications will not proceed. (#1 and #2) |
| GAC sensitivity about .islam and .halal |  | 4-Jun NGPC resolution “accepted” this (#3) and asked GAC for dialogue on these TLDs |
| b. Safeguards for all new gTLDs (Annex 1) |  |  |
| 1. Registry does Whois verification checks 2x per year | 4-Jun BC comments generally supported this, noting that registrars should verify per new RAA. | 25-Jun NGPC resolution says ICANN will do the verification checks. |
| 2. Registrant ToS should prohibit malware, botnets, phishing, piracy, TM/copyright infringement, fraud, deception, or anything contrary to applicable law. | 4-Jun BC comments supported this. | 25-Jun NGPC resolution says new registry agreement will require distributing registrars to have this in their ToS for registrants. This was done by adding a standard clause to the Public Interest Commitment (PIC Specification) |
| 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-Jun BC comments supported this, noting desire for ICANN to designate/approve security scanning methods and vendors. BC also said ICANN should develop standard process for suspending domains. | 25-Jun NGPC resolution says new registry agreement will require periodic security checks and maintaining of records. This was implemented with a new clause in the PIC Specification. |
| 4. Registry to maintain stats on inaccurate Whois , security threats found, and actions taken. | 4-Jun BC comments generally supported this, noting that registrars could be obligated per the new RAA. | 25-Jun NGPC resolution says ICANN will do the verification checks and maintain stats. |
| 5. Registry needs mechanism to handling complaints about inaccurate Whois, security, etc. | 4-Jun BC comments generally supported this, noting that registrars could be obligated per the new RAA. | 25-Jun NGPC resolution says the new registry agreement requires this (“Operator shall provide to ICANN and publish on its website its accurate contact details including a valid email and mailing address as well as a primary contact for handling inquires related to malicious conduct in the TLD” |
| 6. Registry must ensure immediate consequences (incl suspension) for inaccurate Whois or domain use in breach of applicable law | 4-Jun BC comments supported this, noting that ICANN should develop standard process for suspending domains.  Note that ICANN’s response allows—but does not require—suspension of a domain. | 25-Jun NGPC resolution says new registry agreement PIC Spec will require distributing registrars to have this in their ToS for registrants.  Registrars using the 2013 RAA says inaccurate whois is grounds for domain suspension. |
| 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 | 4-Jun BC comments supported this | 2-Jul NGPC resolution to begin a dialogue with GAC in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice.  Also Resolved to defer moving forward with the contracting process for applicants who have applied for TLD strings listed in the GAC's Category 1 Safeguard Advice, pending a dialogue with the GAC. |
| 2. Registry will require registrars to notify registrants of ToS at time of registration. | 4-Jun BC comments supported this |
| 3. Registry will require registrants collecting sensitive health or financial data have reasonable security measures as defined by applicable laws and industry standards. | 4-Jun BC comments supported this as part of Terms of Service for registrants.  BC did not support requiring registries to monitor websites of registrants. |
| 4. Registry to establish relationship with regulators or industry self-regulatory body, plus strategy to mitigate risks of fraud & illegal activities. | 4-Jun BC comments generally supported this, suggesting industry self-regulatory best practices. |
| 5. Registry will require registrants to have single point of contact for complaints and mitigation | 4-Jun BC comments supported this |
| 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 | 4-Jun BC comments supported these 3 items, and suggested that affected registry operators establish Advisory Boards. | 2-Jul NGPC resolution to begin a dialogue with GAC in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice.  Also Resolved to defer moving forward with the contracting process for applicants who have applied for TLD strings listed in the GAC's Category 1 Safeguard Advice, pending a dialogue with the GAC. |
| 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. |
| 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. | 4-Jun BC comments supported this | 25-Jun NGPC resolution says new registry agreement will require this PIC Spec:  “Registry Operator will operate the TLD in a transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies.”  Note: dialogue with the GAC on Category 1 will also include discussion of GAC's Category 2.1 Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1.) |
| 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 | 4-Jun BC comments supported this, and suggested ICANN develop policies for exclusive gTLDs per Australia’s advice.  BC also suggested ICANN develop criteria and method for Public Interest test already in the Registry Code of Conduct. | 25-Jun NGPC resolution says new registry agreement will require this PIC Spec:  Registry Operator of a “Generic String” TLD may not impose eligibility criteria for registering names in the TLD that limit registrations exclusively to a single person or entity and/or that person’s or entity’s “Affiliates”.  Also Resolved, the NGPC directs staff to **defer moving forward with the contracting process** for applicants seeking to impose exclusive registry access for "generic strings" to a single person or entity and/or that person's or entity's Affiliates of the Registry Agreement), **pending a dialogue with the GAC.** |
| c. For further GAC consideration (.amazon .patagonia .date .spa .yun .thai .zulu .wine .vin ) | No prior BC position. | NGPC “accepted” 4-Jun. (#4) “ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings for now.” |
| d. Ability for applicants to change applied-for string in order to address GAC concerns | No prior BC position. |  |
| e. Opinion of impacted community should be duly taken into account | Consistent with BC support for community **priority** for new gTLDs (2010) | NGPC “accepted” 4-Jun. (#5) But … “if a contention set is not resolved by the applicants or through a community priority evaluation then ICANN will utilize an auction as the objective method for resolving the contention.” |
| f. Reconsider contention sets for singular and plural versions of the same string. | Consistent with BC consensus discussions in Beijing.  BC Comment: clarify the rule and re-do the independent panel review. | 4-Jun: “NGPC accepts this advice and will consider whether to allow singular and plural versions of the same string.” (#6)  25-Jun NGPC Resolution: “NGPC has determined that **no changes are needed** to the existing mechanisms in the Applicant Guidebook to address potential consumer confusion resulting from allowing singular and plural versions of the same string.” |
| g. Initial protection for intergovernmental organization names and acronyms at second level | No official BC position, but generally supportive of GAC and rights protection for brands incl NGOs | 2-Jul NGPC Resolved for initial protection of IGOs as presented in the New gTLD Registry Agreement, while the GAC, NGPC, ICANN Staff and community continue to actively work through outstanding implementation issues.  Also Resolved, registry operators will implement temporary protections for the IGO names and acronyms on the "IGO List dated 22/03/2013" [Annex 1](http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-item-1b-02jul13-en.pdf) until the first NGPC meeting after Durban.  Also Resolved, if NGPC and GAC do not reach agreement on implementation issues for protecting IGOs by the first meeting after Durban, registry operators will be required to protect only the IGO names identified on the GAC's "IGO List dated 22/03/2013" [Annex 1](http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-1-item-1b-02jul13-en.pdf) |
| 2. finalize RAA and require it for registrars selling domains in new gTLDs. | Consistent with BC position (Jan-2012) | NGPC accepted 4-Jun. (#7) |
| 3. GAC’s 2007 Whois Principles should be “duly taken into account” by Directory Services Expert Working Group. | BC has publicly supported 2007 GAC Whois principles. | NGPC accepted 4-Jun. (#8) |
| 4. Amend registry agreement to require permanent protection of Olympics and Red Cross | No official BC position, but generally supportive of GAC and rights protection for brands incl NGOs | NGPC “accepted” 4-Jun. (#9) “The proposed final version of the Registry Agreement posted for public comment on 29 April 2013 includes protection for an indefinite duration for IOC/RCRC names. Specification 5 of the Registry Agreement includes a list of names (provided by the IOC and RCRC Movement) that "shall be withheld from registration or allocated to Registry Operator at the second level within the TLD." |
| 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? |  |  |