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NGPC Progress on Addressing GAC Beijing Advice on New gTLDs

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3 July 2013

On 2 July 2013, the the ICANN (Internet Corporation for Assigned Names and Numbers) Board New gTLD (generic Top Level Domain) Program Committee (NGPC) had its seventh meeting to discuss the GAC (Governmental Advisory Committee) Beijing advice on New gTLDs. The Committee took the following actions:

1. <u>Initial Protections for IGO (Intergovernmental Organization) Protections</u>

   In the Beijing Communiqué, the GAC (Governmental Advisory Committee) reiterated previous advice that "appropriate preventative initial protection for the IGO (Intergovernmental Organization) names and acronyms on the provided list be in place before any new gTLDs would launch." In response to a number of issues raised by the Board, the GAC (Governmental Advisory Committee) noted in the Beijing Communiqué that it is "mindful of outstanding implementation issues" and that it is committed to "actively working with IGOs, the Board, and ICANN (Internet Corporation for Assigned Names and Numbers) Staff to find a workable and timely way forward. In a 6 June 2013 response letter to the GAC (Governmental Advisory Committee) on the IGO (Intergovernmental Organization) GAC (Governmental Advisory Committee) Advice, the ICANN (Internet Corporation for Assigned Names and Numbers) Board Chairman proposed that a small number of NGPC members and ICANN (Internet Corporation for Assigned Names and Numbers) staff begin a dialogue with the GAC (Governmental Advisory Committee) on these issues

   At its 2 July 2013 meeting, the NGPC passed a resolution confirming that the New gTLD (generic Top Level Domain) Registry Agreement will require operators to provide appropriate preventative initial protection for the IGO (Intergovernmental Organization) identifiers. These protections will remain in place while the GAC (Governmental Advisory Committee), NGPC, ICANN (Internet Corporation for Assigned Names and Numbers) Staff and community continue to actively work through outstanding implementation issues. More specifically, registry operators will implement temporary protections for the IGO (Intergovernmental Organization) names and acronyms on the "IGO (Intergovernmental Organization) List dated 22/03/2013" until the first meeting of the NGPC following the ICANN (Internet Corporation for Assigned Names and Numbers) 47 Meeting in Durban. The Resolution provides temporary protections for IGOs while respecting the ongoing work on implementation issues. The IGO (Intergovernmental Organization) List is attached to the Resolution as Annex 1.

   If the NGPC and GAC (Governmental Advisory Committee) do not reach an agreement on outstanding implementation issues for protecting IGO (Intergovernmental Organization) names and acronyms by the first meeting of the NGPC following the ICANN (Internet Corporation for Assigned Names and Numbers) 47 meeting in Durban, and subject to any matters that arise during the discussions, registry operators will be required to protect only the IGO (Intergovernmental Organization) names (and not the acronyms) identified on the GAC (Governmental Advisory Committee)'s IGO (Intergovernmental Organization) List.

2. <u>Category 1 Advice</u>

   In the Beijing Communiqué, the GAC (Governmental Advisory Committee) proposed Category 1 safeguard advice, which includes recommended restrictions and consumer protections for sensitive strings and regulated markets. The Category 1 Safeguard Advice is divided into three main sections. The first section provides five (5) items of advice that apply to "strings that are linked to regulated or professional sectors." The Beijing Communiqué identified a list of strings to which

this advice applies. The second section provides three (3) additional pieces of advice that should apply to a limited subset of the strings noted in the GAC (Governmental Advisory Committee)'s list that are "associated with market sectors which have clear and/or or regulated entry requirements (such as: financial, gambling, professional services, environmental, health and fitness, corporate identifiers, and charity) in multiple jurisdictions…." The third section includes an additional requirement for applicants for the following strings: .fail, .gripe, .sucks and .wtf.

On 23 April 2013, ICANN (Internet Corporation for Assigned Names and Numbers) initiated a public comment forum to solicit input on how the NGPC should address GAC (Governmental Advisory Committee) advice regarding safeguards applicable to broad categories of new gTLD (generic Top Level Domain) strings http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm (/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm). The public comment forum closed on 4 June 2013. While many commenters voiced support for the Category 1 safeguard advice, many others submitting opposing comments. One overarching theme from the public comments was the need for additional clarity on the scope and intent of the Category 1 Safeguard Advice.

After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice.

3. New gTLD (generic Top Level Domain) Registry Agreement

Finally, the NGPC considered the revised New gTLD (generic Top Level Domain) Registry Agreement that will be entered into between ICANN (Internet Corporation for Assigned Names and Numbers) and successful new gTLD (generic Top Level Domain) applicants. The revised agreement is the result of several months of negotiations, formal community feedback (most recently during public comment forums initiated on 5 February 2013 on 29 April 2013), and meetings with various stakeholders and communities. The revisions include feedback from the ICANN (Internet Corporation for Assigned Names and Numbers) community at the ICANN (Internet Corporation for Assigned Names and Numbers) 46 Meeting on 7-11 April 2013 in Beijing as well as GAC (Governmental Advisory Committee) advice issued in its Beijing Communiqué.

After considering the comments received from the community, the NGPC determined that the revised New gTLD (generic Top Level Domain) Registry Agreement included significant improvements in response to the concerns raised by the community. The Committee also noted that in response to the GAC (Governmental Advisory Committee)'s Beijing Communiqué, revisions were made to Specification 11 to implement the non-Category 1 safeguard advice (i.e., safeguards applicable to all strings and Category 2 safeguards). The revisions to Specification 11 incorporate standardized language to address the safeguard advice. Applicant-specific PICs will be included on a case-by-case basis to the extent not superseded by or inconsistent with the standard PICs included to address the GAC (Governmental Advisory Committee)'s Beijing Communiqué.

The NGPC approved the form of the New gTLD (generic Top Level Domain) Registry Agreement and authorized ICANN (Internet Corporation for Assigned Names and Numbers) staff to take all necessary steps to implement it and to move forward with implementation of the New gTLD (generic Top Level Domain) Program. The Agreement is attached to the Resolution as Annex 1; the complete Summary of Changes to the New gTLD (generic Top Level Domain) Registry Agreement is attached to the Resolution as Annex 2; a redline of the current agreement as compared to the previous version dated 29 April 2013 is attached to the Resolution as Annex 3; and the Summary and Analysis of Public Comments is available at http://www.icann.org/en/news/public-comment/report-comments-base-agreement-01jul13-en.pdf (/en/news/public-comment/report-comments-base-agreement-01jul13-en.pdf) [PDF, 338 KB].

All of the resolutions adopted at the 2 July 2013 NGPC meeting are posted at http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm). A table summarizing NGPC Consideration of the GAC (Governmental Advisory Committee)'s Beijing Advice appears below.

GAC (Governmental Advisory Committee) Register #	Summary of GAC (Governmental Advisory Committee) Advice	NGPC Position	NGPC Response
1. 2013-04-11-Obj-Africa (Communiqué §1.a.i.1)	The GAC (Governmental Advisory Committee) Advises the ICANN (Internet Corporation for Assigned Names and Numbers) Board that the GAC (Governmental Advisory Committee) has reached consensus on GAC (Governmental Advisory Committee) Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .africa (Application number 1-1165-42560)	Accept	• Applicant was permitted to withdraw or seek relief according to ICANN (Internet Corporation for Assigned Names and Numbers)'s accountability mechanisms subject to the appropriate standing and procedural requirements. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm (/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB].
2. 2013-04-11-Obj-GCC (Communiqué §1.a.i.2)	The GAC (Governmental Advisory Committee) Advises the ICANN (Internet Corporation for Assigned Names and Numbers) Board that the GAC (Governmental Advisory Committee) has reached consensus on GAC (Governmental Advisory Committee) Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .gcc (application number: 1-1936-2101)	Accept	• Applicant was permitted to withdraw or seek relief according to ICANN (Internet Corporation for Assigned Names and Numbers)'s accountability mechanisms subject to the appropriate standing and procedural requirements. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm (/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB].

3. 2103-04-11-Religious Terms (Communiqué §1.a.ii)	The GAC (Governmental Advisory Committee) Advises the Board that with regard to Module 3.1 part II of the Applicant Guidebook, the GAC (Governmental Advisory Committee) recognizes that Religious terms are sensitive issues. Some GAC (Governmental Advisory Committee) members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC (Governmental Advisory Committee) members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC (Governmental Advisory Committee) members that these applications should not proceed.	Accept	• Pursuant to the requirements of Section 3.1.ii of the AGB, NGPC and GAC (Governmental Advisory Committee) members will enter into a dialogue on this matter in Durban. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-04jun13-en.htm (/en/groups/board /documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents /new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB].

4. 2013-04-11-gTLDStrings (Communiqué §1.c)	In addition to this safeguard advice, the GAC (Governmental Advisory Committee) has identified certain gTLD (generic Top Level Domain) strings where further GAC (Governmental Advisory Committee) consideration may be warranted, including at the GAC (Governmental Advisory Committee) meetings to be held in Durban. Consequently, the GAC (Governmental Advisory Committee) advises the ICANN (Internet Corporation for Assigned Names and Numbers) Board to not proceed beyond Initial Evaluation with the following strings : .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs (Internationalized Domain Names) in Japanese and Chinese), .patagonia, .date, .spa, . yun, .thai, .zulu, .wine, .vin	Accept	• ICANN (Internet Corporation for Assigned Names and Numbers) has allowed evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings for now. • NGPC expects GAC (Governmental Advisory Committee) to consider these applications further in Durban. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm (/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB].

5. Request for Written Briefing (Communiqué §1.d)	The GAC (Governmental Advisory Committee) requests a written briefing about the ability of an applicant to change the string applied for in order to address concerns raised by a GAC (Governmental Advisory Committee) Member and to identify a mutually acceptable solution.	Provided	Written briefing provided at https://gacweb.icann.org/download/attachments/28278832 /NGPC%20Scorecard%20of%201As%20Regarding%20Nor %C2%ADSafeguard%20Advice%20in%20the%20GAC%20 %CC%81.pdf?version=1& modificationDate=1372384291000&api=v2 (https://gacweb.icann.org/download/attachments/28278832 /NGPC%20Scorecard%20of%201As%20Regarding%20Nor %C2%ADSafeguard%20Advice%20in%20the%20GAC%20 %CC%81.pdf?version=1& modificationDate=1372384291000&api=v2) [PDF, 2.68 MB]
6. 2013-04-11-CommunitySupport (Communiqué §1.e)	The GAC (Governmental Advisory Committee) advises the Board that in those cases where a community, which is clearly impacted by a set of new gTLD (generic Top Level Domain) applications in contention, has expressed a collective and clear opinion on those applications, such opinion should be duly taken into account, together with all other relevant information.	Accept	• Criterion 4 for the Community Priority Evaluation process takes into account "community support and/or opposition to the application" in determining whether to award priority to a community application in a contention set. • If a contention set is not resolved by the applicants or through a community priority evaluation then ICANN (Internet Corporation for Assigned Names and Numbers) will utilize an auction as the objective method for resolving the contention. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-04jun13-en.htm (/en/groups/board /documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents /new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB].

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7. 2013-04-11-PluralStrings (Communiqué §1.f)	The GAC (Governmental Advisory Committee) believes that singular and plural versions of the string as a TLD (Top Level Domain) could lead to potential consumer confusion. Therefore the GAC (Governmental Advisory Committee) advises the Board to reconsider its decision to allow singular and plural versions of the same strings.	Accept	• After careful consideration of the issues, review of the comments raised by the community, the process documents of the expert review panels, and deliberations by the NGPC, the NGPC determined that no changes to the ABG are needed to address potential consumer confusion specifically resulting from allowing singular and plural versions of the same strings. • The NGPC considered several significant factors during its deliberations about whether to allow singular and plural version of the same strings. The NGPC had to balance the competing interests of each factor to arrive at a decision. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-25jun13-en.htm#2.d (/en/groups /board/documents/resolutions-new-gtld-25jun13-en.htm#2.d).
8. 2013-04-11-IGO (Communiqué §1.g)	GAC (Governmental Advisory Committee) reiterates its advice to the ICANN (Internet Corporation for Assigned Names and Numbers) Board that appropriate preventative initial protection for the IGO (Intergovernmental Organization) names and acronyms on the provided list be in place before any new gTLDs would launch.	Dialogue	• The New gTLD (generic Top Level Domain) Registry Agreement will require operators to provide appropriate preventative initial protection for the IGO (Intergovernmental Organization) identifiers. These protections will remain in place while the GAC (Governmental Advisory Committee), NGPC, ICANN (Internet Corporation for Assigned Names and Numbers) Staff and community continue to actively work through outstanding implementation issues. • If the NGPC and GAC (Governmental Advisory Committee) do not reach an agreement on outstanding implementation issues for protecting IGO (Intergovernmental Organization) names and acronyms by the first meeting of the NGPC following the ICANN (Internet Corporation for Assigned Names and Numbers) 47 meeting in Durban, and subject to any matters that arise during the discussions, registry operators will be required to protect only the IGO (Intergovernmental Organization) names (and not the acronyms) identified on the GAC (Governmental Advisory Committee)'s IGO (Intergovernmental Organization) List. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-02jul13-en.htm (/en/groups/board /documents/resolutions-new-gtld-02jul13-en.htm).

9. 2013-04-11-RAA (Communiqué §2)	The GAC (Governmental Advisory Committee) advises the ICANN (Internet Corporation for Assigned Names and Numbers) Board that the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD (generic Top Level Domain) contracts are approved.	Accept	• The Board approved the 2013 RAA (Registrar Accreditation Agreement) at its 27 June 2013 Meeting. • The 2013 RAA (Registrar Accreditation Agreement) requires all new gTLD (generic Top Level Domain) registries to only use 2013 RAA (Registrar Accreditation Agreement) registrars. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm (/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB]
10. 2013-04-11-WHOIS (Communiqué §3)	The GAC (Governmental Advisory Committee) urges the ICANN (Internet Corporation for Assigned Names and Numbers) Board to ensure that the GAC (Governmental Advisory Committee) Principles Regarding gTLD (generic Top Level Domain) WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group.	Accept	• The GAC (Governmental Advisory Committee) Principles have been shared with the Expert Working Group. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm (/en/groups/board/documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB]

11.	2013-04-11-IOCRC (Communiqué §4)	The GAC (Governmental Advisory Committee) advises the ICANN (Internet Corporation for Assigned Names and Numbers) Board to amend the provisions in the new gTLD (generic Top Level Domain) Registry Agreement pertaining to the IOC/RCRC names to confirm that the protections will be made permanent prior to the delegation of any new gTLDs.	Accept	• The NGPC accepted the GAC (Governmental Advisory Committee) advice. • The Registry Agreement includes protection for an indefinite duration for IOC/RCRC names. Specification 5 of this version 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 (Top Level Domain)." • This protection was added pursuant to a NGPC resolution to maintain these protections "until such time as a policy is adopted that may require further action" (204.11.26.NG03). • The resolution recognized the GNSO (Generic Names Supporting Organization)'s initiation of an expedited PDP (Policy Development Process). Until such time as the GNSO (Generic Names Supporting Organization) approves recommendations in the PDP (Policy Development Process) and the Board adopts them, the NGPC's resolutions protecting IOC/RCRC names will remain in place. • Should the GNSO (Generic Names Supporting Organization) submit any recommendations on this topic, the NGPC will confer with the GAC (Governmental Advisory Committee) prior to taking action on any such recommendations. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-04jun13-en.htm (/en/groups/board /documents/resolutions-new-gtld-04jun13-en.htm) and http://www.icann.org/en/groups/board/documents /new-gtld-resolution-annex-1-04jun13-en.pdf (/en/groups/board/documents/new-gtld-resolution-annex-1-04jun13-en.pdf) [PDF, 564 KB]
12.	2013-04-11-PIC SPEC (Communiqué §5, Annex 2)	The GAC (Governmental Advisory Committee) requests more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II.	Provided	NGPC responses to the Annex 2 questions available at https://gacweb.icann.org/display/GACADV/2013-04-11-PICSPEC (https://gacweb.icann.org/display/GACADV /2013-04-11-PICSPEC)

13. 2013-04-11-Safeguards 1 (Communiqué Annex 1, 1)	1. WHOIS verification and checks —Registry operators will conduct checks on a statistically significant basis to identify registrations in its gTLD (generic Top Level Domain) with deliberately false, inaccurate or incomplete WHOIS data at least twice a year. Registry operators will weight the sample towards registrars with the highest percentages of deliberately false, inaccurate or incomplete records in the previous checks. Registry operators will notify the relevant registrar of any inaccurate or incomplete records identified during the checks, triggering the registrar's obligation to solicit accurate and complete information from the registrant.	Accept	• ICANN (Internet Corporation for Assigned Names and Numbers) (instead of Registry Operators) will implement the GAC (Governmental Advisory Committee)'s advice that checks identifying registrations in a gTLD (generic Top Level Domain) with deliberately false, inaccurate or incomplete WHOIS data be conducted at least twice a year. • ICANN (Internet Corporation for Assigned Names and Numbers) will perform a periodic sampling of WHOIS data across registries in an effort to identify potentially inaccurate records. • ICANN (Internet Corporation for Assigned Names and Numbers) will also maintain statistical reports that identify the number of inaccurate WHOIS records identified. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups /board/documents/resolutions-new-gtld-25jun13-en.htm#2.b).

14. 2013-04-11-Safeguards 2 (Communiqué Annex 1, 2)	2. Mitigating abusive activity—Registry operators will ensure that terms of use for registrants include prohibitions against the distribution of malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law.	Accept	• A provision in the proposed New gTLD (generic Top Level Domain) Registry Agreement (as a mandatory Public Interest Commitment in Specification 11) obligates Registry Operators to include a provision in their Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision prohibiting Registered Name Holders from distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law, and providing (consistent with applicable law and any related procedures) consequences for such activities including suspension of the domain name. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b).

15. 2013-04-11-Safeguards 3 (Communiqué Annex 1, 3)	3. Security checks— While respecting privacy and confidentiality, Registry operators will periodically conduct a technical analysis to assess whether domains in its gTLD (generic Top Level Domain) are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. If Registry operator identifies security risks that pose an actual risk of harm, Registry operator will notify the relevant registrar and, if the registrar does not take immediate action, suspend the domain name until the matter is resolved.	Accept	• A provision in the New gTLD (generic Top Level Domain) Registry Agreement (as a mandatory Public Interest Commitment in Specification 11) requires Registry Operators periodically to conduct a technical analysis to assess whether domains in its gTLD (generic Top Level Domain) are being used to perpetrate security threats, such as pharming, phishing, malware, and botnets. • The provision also requires Registry Operators to maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks. Registry Operators will maintain these reports for the agreed contracted period and provide them to ICANN (Internet Corporation for Assigned Names and Numbers) upon request. The contents of the reports will be publically available as appropriate. • Because there are multiple ways for a Registry Operator to implement the required security checks, ICANN (Internet Corporation for Assigned Names and Numbers) will solicit community participation (including conferring with the GAC (Governmental Advisory Committee)) in a task force or through a policy development process in the GNSO (Generic Names Supporting Organization), as appropriate, to develop the framework for Registry Operators to respond to identified security risks that pose an actual risk of harm, notification procedures, and appropriate consequences, including a process for suspending domain names until the matter is resolved, while respecting privacy and confidentiality. • The language included in Paragraph 3 of the attached PIC Specification provides the general guidelines for what Registry Operators must do, but omits the specific details from the contractual language to allow for the future development and evolution of the parameters for conducting security checks. This will permit Registry Operators to enter into agreements as soon as possible, while allowing for a careful and fulsome consideration by the community on the implementation details. • See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups /board/documents/resolutions-new-gtld-25jun13-en.htm#2.b).

| 16. 2013-04-11-Safeguards 4 ((Communiqué Annex 1, 4)) | 4. Documentation—Registry operators will maintain statistical reports that provide the number of inaccurate WHOIS records or security threats identified and actions taken as a result of its periodic WHOIS and security checks. Registry operators will maintain these reports for the agreed contracted period and provide them to ICANN (Internet Corporation for Assigned Names and Numbers) upon request in connection with contractual obligations. | Accept | • As detailed in item 13 above, ICANN (Internet Corporation for Assigned Names and Numbers) will maintain statistical reports that identify the number of inaccurate WHOIS records identified as part of the checks to identify registrations with deliberately false, inaccurate or incomplete WHOIS data.

• As detailed in item 15 above, Registry Operators will be required to maintain statistical reports on the number of security threats identified and the actions taken as a result of the periodic security checks.

• Registry Operators will maintain these reports for the agreed contracted period and provide them to ICANN (Internet Corporation for Assigned Names and Numbers) upon request. The contents of the reports will be publically available as appropriate.

• See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b). |

| 17. | 2013-04-11-Safeguards 5 ((Communiqué Annex 1, 5) | 5. Making and Handling Complaints – Registry operators will ensure that there is a mechanism for making complaints to the registry operator that the WHOIS information is inaccurate or that the domain name registration is being used to facilitate or promote malware, operation of botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting or otherwise engaging in activity contrary to applicable law. | Accept | Registry Operators are required to ensure that there is a mechanism for making complaints to the Registry Operator regarding malicious conduct in the TLD (Top Level Domain). Section 4.1 of Specification 6 of the New gTLD (generic Top Level Domain) Registry Agreement provides that, "Registry Operator shall provide to ICANN (Internet Corporation for Assigned Names and Numbers) 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 (Top Level Domain), and will provide ICANN (Internet Corporation for Assigned Names and Numbers) with prompt notice of any changes to such contact details." Section 2.8 of the New gTLD (generic Top Level Domain) Registry Agreement provides that a, "Registry Operator shall take reasonable steps to investigate and respond to any reports from law enforcement and governmental and quasi-governmental agencies of illegal conduct in connection with the use of the TLD (Top Level Domain)." ICANN (Internet Corporation for Assigned Names and Numbers) operates the WHOIS Data Problem Reports System <http://www.icann.org/en/resources/compliance/complaints/whois/inaccuracy-form (/en/resources/compliance/complaints/whois/inaccuracy-form)>, which is a mechanism for making complaints that WHOIS information is inaccurate. See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b). |

| 18. | 2013-04-11-Safeguards 6 (Communiqué Annex 1, 6) | 6. Consequences – Consistent with applicable law and any related procedures, registry operators shall ensure that there are real and immediate consequences for the demonstrated provision of false WHOIS information and violations of the requirement that the domain name should not be used in breach of applicable law; these consequences should include suspension of the domain name. | Accept | • Consequences for the demonstrated provision of false WHOIS information are set forth in Section 3.7.7.2 of the 2013 RAA (Registrar Accreditation Agreement) <http://www.icann.org/en/resources/registrars/raa/proposed-agreement-22apr13-en.pdf (/en/resources/registrars/raa/proposed-agreement-22apr13-en.pdf)> [PDF, 311 KB]: "A Registered Name Holder's willful provision of inaccurate or unreliable information, its willful failure to update information provided to Registrar within seven (7) days of any change, or its failure to respond for over fifteen (15) days to inquiries by Registrar concerning the accuracy of contact details associated with the Registered Name Holder's registration shall constitute a material breach of the Registered Name Holder-registrar contract and be a basis for suspension and/or cancellation of the Registered Name registration."

• Paragraph 1 of the PIC Specification includes a requirement that Registry Operator will use only ICANN (Internet Corporation for Assigned Names and Numbers) accredited registrars that are party to the 2013 RAA (Registrar Accreditation Agreement) so that these consequences are contractually required.

• See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b (/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.b). |

19.	2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 1)	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.	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).
20.	2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 2)	2. Registry operators will require registrars at the time of registration to notify registrants of this requirement.	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).

21. 2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 3)	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.	Dialogue	- After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. - See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-02jul13-en.htm (/en/groups/board /documents/resolutions-new-gtld-02jul13-en.htm).
22. 2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 4)	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.	Dialogue	- After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. - See http://www.icann.org/en/groups/board/documents /resolutions-new-gtld-02jul13-en.htm (/en/groups/board /documents/resolutions-new-gtld-02jul13-en.htm).

23.	2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 5)	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.	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).
24.	2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 6)	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	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).

25. 2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 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.	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).
26. 2013-04-11-Safeguards-Categories-1 (Communiqué Annex 1, Category 1, 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.	Dialogue	• After considering the community comments, the NGPC decided to begin a dialogue with the GAC (Governmental Advisory Committee) during the ICANN (Internet Corporation for Assigned Names and Numbers) Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. The dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. Pending the dialogue with the GAC (Governmental Advisory Committee), staff will defer moving forward with the contracting process for applicants who have applied for TLD (Top Level Domain) strings listed in the GAC (Governmental Advisory Committee)'s Category 1 Safeguard Advice. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).

27.	2013-04-11-Safeguards-Categories-2 (Communiqué Annex 1, Category 2, 1)	**1. Restricted Access** As an exception to the general rule that the gTLD (generic Top Level Domain) domain name space is operated in an open manner registration may be restricted, in particular for strings mentioned under category 1 above. In these cases, the registration restrictions should be appropriate for the types of risks associated with the TLD (Top Level Domain). The registry operator should administer access in these kinds of registries in a transparent way that does not give an undue preference to any registrars or registrants, including itself, and shall not subject registrars or registrants to an undue disadvantage.	Dialogue	• As noted above, the requested dialogue with the GAC (Governmental Advisory Committee) on Category 1 will also include discussion of GAC (Governmental Advisory Committee)'s Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice applies to the strings listed under Category 1. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm (/en/groups/board/documents/resolutions-new-gtld-02jul13-en.htm).

28. Safeguards-Categories-2 (Communiqué Annex 1, Category 2, 2)	2. **Exclusive Access** For strings representing generic terms, exclusive registry access should serve a public interest goal.	Accepted in part, dialogue on remainder	• For applicants seeking to impose exclusive registry access for "generic strings", the NGPC directed staff to defer moving forward with the contracting process for these applicants, pending a dialogue with the GAC (Governmental Advisory Committee). • The term "generic string" is defined to mean "a string consisting of a word or term that denominates or describes a general class of goods, services, groups, organizations or things, as opposed to distinguishing a specific brand of goods, services, groups, organizations or things from those of others." • Exclusive registry access is defined as limiting registration of a generic string exclusively to a single person or entity and their affiliates. • For applicants not seeking to impose exclusive registry access, a provision in the in the New gTLD (generic Top Level Domain) Registry Agreement requires TLDs to operate in a transparent manner consistent with general principles of openness and non-discrimination. • A PIC Specification also includes a provision to preclude registry operators from imposing eligibility criteria that limit registration of a generic string exclusively to a single person or entity and their "affiliates." • All applicants will be required to respond by a specified date indicating whether (a) the applicant is prepared to accept the proposed PIC Specification that precludes exclusive registry access or (b) the applicant is unwilling to accept the proposed PIC Specification because the applicant intends to implement exclusive registry access. • The NGPC will enter into a dialogue with the GAC (Governmental Advisory Committee) to seek clarification on their advice with respect to exclusive registry access. • See http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.c (/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.c).

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