

ANNEX 1 to ICANN NGPC RESOLUTION NO. 2014.02.05.NG01

GAC Advice (Beijing, Durban, Buenos Aires): Actions and Updates

5 February 2014

	GAC Register #	GAC Advice		Action/Update
Open Items of GAC Advice				
1. WINE and VIN	2013-09-09-wine and vin; 2013-11-20-wine-vin (Buenos Aires Communiqué §3)	<p><u>Follow-up from Durban:</u> The GAC advises the ICANN Board that the GAC has finalized its consideration of the strings .wine and .vin and further advises that the applications should proceed through the normal evaluation process.</p> <p><u>Buenos Aires:</u> The Board may wish to seek a clear understanding of the legally complex and politically sensitive background on this matter in order to consider the appropriate next steps of delegating the two strings. GAC members may wish to write to the Board to further elaborate their views.”</p>		<p>On 28 September 2013, the NGPC noted that it stood ready to hear from GAC members as to the nature of the differences in views expressed in the advice while the NGPC analyzed. In Buenos Aires, ICANN facilitated a dialogue between the applicant for .VIN and the affected non-governmental parties.</p> <p>In response to the GAC’s suggestion in the Buenos Aires Communiqué, the NGPC has commissioned an analysis of the legally complex and politically sensitive background on this matter in the context of the GAC advice in order to consider the appropriate next steps of delegating .WINE and .VIN. The analysis is expected to be completed so that it can be considered by the NGPC when it meets in Singapore.</p>
2. GUANGZHOU and SHENZHEN	2013-11-20-guangzhou; 2013-11-20-shenzhen (Buenos Aires Communiqué §2.a.i.1.a & b)	The GAC advises the Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .guangzhou (IDN in Chinese - application number 1-1121-22691) and .shenzhen (IDN in Chinese - application number 1-1121-82863)	1A	The NGPC accepts this advice. ICANN received notice on 6 December 2013 that the applicants for .GUANGZHOU and .SHENZHEN are withdrawing their applications for consideration from the New gTLD Program. The NGPC will inform the GAC of this new information.

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3. SPA	2013-11-20-spa (Buenos Aires Communiqué §2.a.i.1.c)	The GAC advises the Board not to proceed beyond initial evaluation until the agreements between the relevant parties are reached: .spa (application numbers: 1-1619-92115, 1-1309-81322, 1-1110-73648) [Note: Application numbers updated from original text of advice.]	1A	The NGPC accepts this advice. ICANN will not enter into registry agreements with applicants for the identified string at this time. The NGPC notes concern about concluding the discussions with the applicants and will request the GAC to (1) provide a timeline for final consideration of the string, and (2) identify the “interested parties” noted in the GAC advice.
4. YUN	2013-04-11-gTLDStrings; 2013-07-18-gTLDStrings (Buenos Aires Communiqué §2.b)	The GAC notes that the application for .yun (application number 1-1318-12524) has been withdrawn.	1A	The NGPC accepts this advice. ICANN received notice on 15 November 2013 that the applicant of application number 1-1318-12524 for .YUN was withdrawing its applications for consideration from the New gTLD Program. Since application number 1-1318-12524 has been withdrawn, the remaining application for the .YUN string (application 1-974-89210) should continue through the stages of the application process.
5. AMAZON	2013-07-18 – Obj-Amazon (Durban Communiqué §1.1.a.i.1; Buenos Aires Communiqué §2.d)	The GAC advises the ICANN Board that the GAC has reached consensus on GAC Objection Advice according to Module 3.1 part I of the Applicant Guidebook on the following application: .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)		ICANN has commissioned an independent, third-party expert to provide additional analysis on the specific issues of application of law at issue, which may focus on legal norms or treaty conventions relied on by Amazon or governments. The analysis is expected to be completed in time for the ICANN Singapore meeting so that the NGPC can consider it in Singapore.

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6. IGO PROTECTION S	2013-11-20-IGO (Buenos Aires Communiqué §6.a.i)	<p>The GAC advises the ICANN Board that the GAC, together with IGOs, remains committed to continuing the dialogue with NGPC on finalizing the modalities for permanent protection of IGO acronyms at the second level, by putting in place a mechanism which would: (1) provide for a permanent system of notifications to both the potential registrant and the relevant IGO as to possible conflict if a potential registrant seeks to register a domain name matching the acronym of that IGO; (2) allow the IGO a timely opportunity to effectively prevent potential misuse and confusion; (3) allow for a final and binding determination by an independent third party in order to resolve any disagreement between an IGO and a potential registrant; and (4) be at no cost or of a nominal cost only to the IGO.</p> <p>The GAC looks forward to receiving the alternative NGPC proposal adequately addressing this advice. Initial protections for IGO acronyms should remain in place until the dialogue between the NGPC, the IGOs and the GAC ensuring the implementation of this protection is completed.</p>	<p>On 2 October 2013, the NGPC proposal in response to the GAC’s advice in the Durban Communiqué regarding protections for IGO acronyms was submitted to the GAC for its consideration.</p> <p>The NGPC is developing ways to implement the GAC advice, including whether there are mechanisms, other than the Trademark Clearinghouse, that can be used to implement the advice. The NGPC will prepare an alternative proposal for consideration by the GAC.</p> <p>The NGPC adopted a resolution at its 9 January 2014 meeting to extend the initial protections for IGO acronyms while the GAC and NGPC continue to work through outstanding implementation issues.</p> <p>To note: During the Buenos Aires meeting, the GNSO unanimously approved the recommendations in the Final Report of the IGO/INGO Protection PDP Working Group. The Final Report recommended reserving IGO names but not their acronyms. It did allow for the inclusion of acronyms in the TMCH in future rounds if they were included in the TMCH during the current round. It also requested an issue report on possible revisions to the UDRP and URS policies that would allow IGOs to take advantage of these processes. Subject to receiving direction from the Board, the NGPC will: (1) consider the policy recommendations from the GNSO as the NGPC continues to actively develop an approach to respond to the GAC advice on protections for IGOs, and (2) develop a comprehensive proposal to address the GAC advice and the GNSO policy recommendations for consideration by the Board at a subsequent meeting.</p>

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7. IOC/RCRC PROTECTION S	2013-07-18 – IOCRC (Durban Communiqué §5.a.i(sic))	The GAC advises the ICANN Board that the same complementary cost neutral mechanisms to be worked out for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).		Refer to the update above.
8. RCRC NAMES	2013-11-20-IOC-RCRC (Buenos Aires Communiqué §6.a.i)	The GAC advises the ICANN Board that it is giving further consideration to the way in which existing protections should apply to the words “Red Cross”, “Red Crescent” and related designations at the top and second levels with specific regard to national Red Cross and Red Crescent entities; and that it will provide further advice to the Board on this.	1A	The NGPC accepts this advice.

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9. CAT 1 SAFEGUARDS	2013-04-11- Safeguards – Categories -1; 2013-11-20-Cat1- Cat2 (Beijing Communiqué Annex I, Category 1; Buenos Aires Communiqué §1.d.i)	<p><u>Beijing Communiqué</u>: Strings that are linked to regulated or professional sectors should operate in a way that is consistent with applicable laws. These strings are likely to invoke a level of implied trust from consumers, and carry higher levels of risk associated with consumer harm. (Refer to the GAC Register of Advice for the full text of each Category 1 Safeguard.)</p> <p><u>Buenos Aires Communiqué</u>: The GAC advises the ICANN Board to re-categorize the string .doctor as falling within Category 1 safeguard advice addressing highly regulated sectors, therefore ascribing these domains exclusively to legitimate medical practitioners. The GAC notes the strong implications for consumer protection and consumer trust, and the need for proper medical ethical standards, demanded by the medical field online to be fully respected.</p>	1A	<p>The NGPC accepts the advice. The NGPC adopts the implementation framework attached as Annex 2 <http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-annex-2-05feb14-en.pdf> to address this advice, and directs the ICANN President and CEO, or his designee, to implement the Category 1 Safeguard advice consistent with the implementation framework.</p> <p>With respect to the additional advice in the Buenos Aires Communiqué on the Category 1 Safeguards, the NGPC accepts the advice to re-categorize the string .doctor as falling within Category 1 safeguard advice addressing highly regulated sectors and ensure that the domains in the .doctor TLD are ascribed exclusively to legitimate medical practitioners.</p>

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<p>10. CAT 2 SAFEGUARDS – EXCLUSIVE ACCESS</p>	<p>2013-04-11- Safeguards – Categories -2; 2013-11-20-Cat1- Cat2</p> <p>(Beijing Communiqué Annex I, Category 2, Item 2; Buenos Aires Communiqué §1.e)</p>	<p><u>Beijing</u>: For strings representing generic terms, exclusive registry access should serve a public interest goal. In the current round, the GAC has identified the following non-exhaustive list of strings that it considers to be generic terms, where the applicant is currently proposing to provide exclusive registry access: .antivirus, .app, .autoinsurance, .baby, .beauty, .blog, .book, .broker, .carinsurance, .cars, .cloud, .courses, .cpa, .cruise, .data, .dvr, .financialaid, .flowers, .food, .game, .grocery, .hair, .hotel, .hotels, .insurance, .jewelry, .mail, .makeup, .map, .mobile, .motorcycles, .movie, .music, .news, .phone, .salon, .search, .shop, .show, .skin, .song, .store, .tennis, .theater, .theatre, .tires, .tunes, .video, .watches, .weather, .yachts, .クラウド [cloud], .ストア [store], .セール [sale], .ファッション [fashion], .家電 [consumer electronics], .手表 [watches], .書籍 [book], .珠宝 [jewelry], .通販 [online shopping], .食品 [food]</p> <p><u>Buenos Aires</u>: The GAC welcomes the Board’s communication with applicants with regard to open and closed gTLDs, but seeks written clarification of how strings are identified as being generic.</p>	<p>ICANN contacted the 186 applicants for strings identified in the GAC’s Category 2 safeguard advice. The applicants were asked to respond by a specified date indicating whether the applied-for TLD will be operated as an exclusive access registry. An overwhelming majority of the applicants (174) indicated that the TLD would not be operated as an exclusive access registry. The NGPC adopted a resolution directing staff to move forward with the contracting process for applicants for strings identified in the Category 2 Safeguards that were prepared to enter into the Registry Agreement as approved, since moving forward with these applicants was consistent with the GAC’s advice.</p> <p>Twelve applicants responded that the TLD would be operated as an exclusive access registry. These 12 applicants have applied for the following strings: .BROKER, .CRUISE, .DATA, .DVR, .GROCERY, .MOBILE, .PHONE, .STORE, .THEATER, .THEATRE and .TIRES. Staff requested the applicants to provide an explanation of how the proposed exclusive registry access serves a public interest goal. The responses have been received. ICANN staff will forward the responses to the NGPC and the GAC so that the responses can be considered prior to the Singapore meeting.</p> <p>The NGPC accepts the advice in the Buenos Aires Communiqué. As requested in in the Buenos Aires Communiqué, the NGPC has provided a written clarification to the GAC of how strings are identified as being generic.</p>

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11. CAT 2 SAFEGUARDS – RESTRICTED ACCESS	2013-04-11- Safeguards – Categories -2; 2013-11-20-Cat1- Cat2 (Beijing Communiqué Annex I, Category 2, Item 2; Buenos Aires Communiqué §1.a.i.1)	<p><u>Beijing Communiqué</u>: As an exception to the general rule that the gTLD 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. 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.</p> <p><u>Buenos Aires Communiqué</u>: The GAC highlights the importance of its Beijing advice on ‘Restricted Access’ registries, particularly with regard to the need to avoid undue preference and/or undue disadvantage. The GAC requests a briefing on whether the Board considers that the existing PIC specifications (including 3c) fully implements this advice.</p>	1A	<p>The NGPC accepted the GAC’s Beijing advice regarding Category 2 (Restricted Access). To implement the advice, the NGPC revised Specification 11 – Public Interest Commitments in the New gTLD Registry Agreement. The PIC Spec requires that “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.”</p> <p>The NGPC accepts the advice in the Buenos Aires Communiqué. As requested, the NGPC has provided a written clarification to the GAC on whether the Board considers that the existing PIC specifications (including 3c) fully implements this advice.</p>

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12. HALAL AND ISLAM	2103-04-11- Religious Terms; 2013-11-20- islam-halal (Beijing Communiqué §1.a.ii; Buenos Aires Communiqué §7)	<p>The GAC advises the Board that with regard to Module 3.1 part II of the Applicant Guidebook, the GAC recognizes that religious terms are sensitive issues. Some GAC members have raised sensitivities on the applications that relate to Islamic terms, specifically .islam and .halal. The GAC members concerned have noted that the applications for .islam and .halal lack community involvement and support. It is the view of these GAC members that these applications should not proceed.</p> <p>GAC took note of letters sent by the OIC and the ICANN Chairman in relation to the strings .islam and .halal. The GAC has previously provided advice in its Beijing Communiqué, when it concluded its discussions on these strings. The GAC Chair will respond to the OIC correspondence accordingly, noting the OIC's plans to hold a meeting in early December. The GAC chair will also respond to the ICANN Chair's correspondence in similar terms.</p>	<p>The NGPC adopted a resolution to accept this advice at its 4 June 2013 meeting. Pursuant to Section 3.1.ii of the AGB, the NGPC and some members of the GAC met during the ICANN 47 meeting in Durban to discuss the concerns about the applications.</p> <p>On 24 October 2013 decisions were posted in favor of the applicant on the community objections filed by the Telecommunications Regulatory Authority of the UAE.</p> <p>In a 4 November 2013 letter from the Organization of Islamic Cooperation (OIC) to the GAC Chair, the OIC requested that its letter be considered an “official opposition of the Member States of the OIC towards probable authorization by the GAC allowing the use of [...] .ISLAM and .HALAL by any entity not representing the collective voice of the Muslim people.”</p> <p>In a 11 November 2013 letter to the GAC Chair, the NGPC indicated that before it takes action on the strings, it will wait for any additional GAC input during the Buenos Aires meeting or resulting GAC Communiqué. The Buenos Aires Communiqué took note of the letters sent by the OIC, but did not offer any additional advice to the Board. The OIC also adopted a resolution in December 2013 communicating its official objection to the use of the applied-for .ISLAM and .HALAL TLDs.</p> <p>The NGPC takes note of the significant concerns expressed during the dialogue, and additional opposition raised, including by the OIC, which represents 1.6 billion members of the Muslim community. The NGPC has sent a letter to the applicant, which is available here <http://www.icann.org/en/news/correspondence/cr-ocker-to-abbasnia-07feb14-en.pdf>.</p>

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13. [PROTECTIONS FOR CHILDREN]	2013-11-20-Cat1- Cat2 (Buenos Aires Communiqué §1.e)	The GAC considers that new gTLD registry operators should be made aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.	1A	The NGPC acknowledges the GAC's view. ICANN will contact all new gTLD registry operators to make them aware of the importance of protecting children and their rights consistent with the UN Convention on the Rights of the Child.
14. [AUCTIONS]	2013-11-20-Cat1- Cat2 (Buenos Aires Communiqué §1.b)	The GAC requests a briefing on the public policy implications of holding auctions to resolve string contention (including community applications).	1A	The NGPC accepts this advice. The NGPC will provide a briefing to the GAC regarding the public policy implications of holding auctions to resolve string contention (including community applications).
15. [SPECIAL LAUNCH PROGRAM]	2013-11-20- GeoTLDs (Buenos Aires Communiqué §5.a.i)	The GAC advises the ICANN Board that ICANN provide clarity on the proposed launch program for special cases as a matter of urgency.	1A	The NGPC accepts this advice. ICANN published materials in December 2013 to provide clarity to the community on the proposed launch program for special cases. < http://newgtlds.icann.org/en/about/trademark-clearinghouse/launch-application-guidelines-19dec13-en.pdf > Additionally, the NGPC has provided a briefing to the GAC on this issue.