



The Internet Corporation for Assigned Names and Numbers

23 June 2015

Thomas Schneider
Chair, ICANN Governmental Advisory Committee

Re: GAC advice re Category 1 Safeguards for New gTLDs

Dear Mr. Schneider:

We understand that there are ongoing discussions within the GAC regarding whether and how the Board New gTLD Program Committee (NGPC) and ICANN have accepted and implemented the GAC's Category 1 Safeguard Advice. To help inform these discussions, we thought it might be helpful to provide the following overview of the NGPC's consideration and ICANN's subsequent implementation of this advice.

In the Beijing Communiqué (April 2013), the GAC [advised](#) the Board that “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.”

- The GAC detailed five (5) safeguards that should apply to a list of strings linked to these sectors. See Annex 1.
- The GAC also identified three (3) additional targeted safeguards that should apply to a limited subset of strings associated with market sectors with clear and/or regulated entry requirements in multiple jurisdictions. See Annex 2.

On 29 October 2013, the NGPC sent a [letter](#) to the GAC about its proposed implementation of the Category 1 Safeguard advice in the Beijing Communiqué.

- The NGPC proposed to modify the text of the Category 1 Safeguards as appropriate to meet the spirit and intent of the advice in a manner that allowed the requirements to be implemented as Public Interest Commitments (PICs) in Specification 11 of the New gTLD Registry Agreement. See Annex 3.
- The NGPC also proposed additional PICs for strings associated with inherently governmental functions, and strings that have a risk of cyber bullying/harassment. See Annex 4.
- The NGPC also proposed to distinguish the list of strings between those that the NGPC considered to be associated with market sectors or industries that have highly-regulated entry requirements in multiple jurisdictions, and those that do not. The Category 1 Safeguards in the PIC would apply to the TLDs based on how the TLD string was categorized (i.e. the highly-regulated TLDs would have 8 additional PICs, and the others would have 3 additional PICs). See Annex 5.

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In the Buenos Aires Communiqué (November 2013), the GAC reported that, “The GAC welcomed the response of the Board to the GAC’s Beijing Communiqué advice on Category 1 and Category 2 safeguards. The GAC received useful information regarding implementation of the safeguards during its discussions with the New gTLD Program Committee. GAC members asked for clarification of a number of issues regarding Category 2 Safeguards – Restricted Access and look forward to ICANN’s response.”

On 5 February 2014, the NGPC accepted the GAC’s Category 1 Safeguard advice in an iteration of the Scorecard, and directed the President and CEO to implement the advice consistent with the [implementation framework](#) originally sent to the GAC in the NGPC’s 29 October 2013 letter.

I hope this information is helpful. Please let us know if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen Crocker", written in a cursive style.

Dr. Stephen Crocker
Chair, ICANN Board Of Directors

Annex 1

Beijing Communiqué - Safeguards Applicable to Category 1 Strings

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.

Annex 2

Beijing Communiqué - Targeted safeguards for a limited subset of Category 1 strings associated with market sectors with clear and/or regulated entry requirements in multiple jurisdictions.

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.

Annex 3

NGPC Proposal (29 October 2013): Category 1 Safeguards as Public Interest Commitments in Specification 11 of the New gTLD Registry Agreement

1. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to 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 include a provision in their Registry-Registrar Agreements that requires registrars at the time of registration to notify registrants of the requirement to comply with all applicable laws.
3. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring 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.
4. Registry Operators will proactively create a clear pathway for the creation of a working relationship with the relevant regulatory or industry self-regulatory bodies by publicizing a point of contact and inviting such bodies to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of fraudulent and other illegal activities.
5. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to provide administrative contact information, 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. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant possesses any necessary authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD.
7. If a Registry Operator receives a complaint expressing doubt with regard to the authenticity of licenses or credentials, Registry Operators should consult with relevant national supervisory authorities, or their equivalents regarding the authenticity.

8. Registry Operators will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring registrants to report any material changes to the validity of the registrants' authorizations, charters, licenses and/or other related credentials for participation in the sector associated with the TLD 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.

Annex 4

NGPC Proposal (29 October 2013): Additional PICs for strings associated with inherently governmental functions, and strings that have a risk of cyber bullying/harassment.

9. Registry Operator will include a provision in its Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant will take steps to ensure against misrepresenting or falsely implying that the registrant or its business is affiliated with, sponsored or endorsed by one or more country's or government's military forces if such affiliation, sponsorship or endorsement does not exist.

10. Registry Operator will develop and publish registration policies to minimize the risk of cyber bullying and/or harassment.

Annex 5

Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)	Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)
Children: .kid, .kids, .kinder, .game, .games, .juegos, .play, .school, .schule, toys	
Environmental: .earth, .eco, .green, .bio, .organic	
Health and Fitness: .care, .diet, .fit, .fitness, .health, .heart, .hiv, .rehab, .clinic, .healthy (IDN Chinese equivalent), .dental, .physio, .healthcare, .med, .organic, .doctor	Health and Fitness: .pharmacy, .surgery, .dentist, .dds, .hospital, .medical
Financial: capital, .cash, .cashbackbonus, .broker, .brokers, .claims, .exchange, .finance, .financial, .forex, .fund, .investments, .lease, .loan, .loans, .market, .markets, .money, .pay, .payu, .retirement, .save, .trading, .credit, .insure, .netbank, .tax, .travelersinsurance, .financialaid, .vermogensberatung, .mortgage, .reit	Financial: .bank, .banque, .creditunion, .creditcard, .insurance, .ira, .lifeinsurance, .mutualfunds, .mutuelle, .vermogensberater, and .versicherung, .autoinsurance, .carinsurance
	Gambling: .bet, .bingo, .lotto, .poker, .spreadbetting, .casino
Charity: .care, .gives, .giving	Charity: .charity (and IDN Chinese equivalent)
Education: .degree, .mba	Education: .university
Intellectual Property: .audio, .book (and IDN equivalent), .broadway, .film, .game, .games, .juegos, .movie, .music, .software, .song, .tunes, .fashion (and IDN equivalent), .video, .app, .art, .author, .band, .beats, .cloud (and IDN equivalent), .data, .design, .digital, .download, .entertainment, .fan, .fans, .free, .gratis, .discount, .sale, .hiphop, .media, .news, .online, .pictures, .radio, .rip, .show, .theater, .theatre, .tour, .tours, .tvs, .video, .zip	
Professional Services: .accountant, .accountants, .architect,	Professional Services: .abogado, .attorney, .cpa, .dentist, .dds, .lawyer,

Regulated Sectors/Open Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-3 applicable)	Highly-regulated Sectors/Closed Entry Requirements in Multiple Jurisdictions (Category 1 Safeguards 1-8 applicable)
.associates, .broker, .brokers, .engineer, .legal, .realtor, .realty, .vet, .engineering, .law	.doctor
Corporate Identifiers: .limited	Corporate Identifiers: .corp, .gmbh, .inc, .llc, .llp, .ltda, .ltd, .sarl, .srl, .sal
Generic Geographic Terms: .capital .town, .city	
.reise, .reisen .weather	