



The Internet Corporation for Assigned Names and Numbers

11 June 2015

Thomas Schneider
Chair, ICANN Governmental Advisory Committee

Re: Outstanding items from Singapore Communiqué

Dear Mr. Schneider:

On behalf of the NGPC, I wish to provide you with a response to the request in the Singapore Communiqué stating, “The GAC urges the NGPC to provide greater clarity as to the mechanisms for redress in the event registrants believe they have been unduly discriminated against.”

Every New gTLD Registry Agreement includes a Public Interest Commitment (PIC) in Specification 11 with a non-discrimination provision that states 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.” (See [Registry Agreement, Specification 11, Section 3.c.](#)) Under this provision, a registry operator is required to publish clear registration policies such that a prospective registrant is able to understand whether they are eligible to register a domain name in the TLD. A prospective registrant may seek redress by filing a contractual compliance complaint with ICANN if the prospective registrant believes they have been unduly discriminated against as a result of a registry operator violating its published eligibility criteria for registering names in the TLD.

In addition, a prospective registrant would have a right to seek redress under the Registry Agreement if they believe they have been unduly discriminated against as a result of a Registry Operator of a “generic string” imposing 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. (Note: “Generic String” is defined in the Registry Agreement as 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.)

Prospective registrants seeking redress for illegal discrimination, for example based on civil rights or antitrust laws, should seek redress in other fora, such as with governmental regulatory bodies.

I hope this information is helpful in providing clarity to the GAC regarding the mechanisms for redress in the event registrants believe they have been unduly discriminated against. Please let us know if you have any questions or concerns.

Sincerely,

Dr. Stephen Crocker
Chair, ICANN Board Of Directors