

## Consideration of GAC Advice regarding Category 1 Safeguards

<p><b>What is the Issue?</b></p> <p>In the Beijing Communiqué, the GAC proposed “Category 1” safeguards that include restrictions and consumer protections for sensitive strings and regulated markets. The NGPC is being asked to consider how to address the Category 1 advice.</p>	<p><b>Why Is It Important?</b></p> <p>The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the polices. It is important to complete the consideration of this issue as soon as possible to resolve the GAC advice for the Category 1 strings listed in the GAC’s Beijing Communiqué.</p>
<p><b>Who is the Decision-maker? Who is the Shepherd?</b></p> <p>The NGPC is the decision-maker. Chris Disspain is the NGPC’s shepherd on this issue.</p>	<p><b>Next Steps?</b></p> <p>If the NGPC adopts the resolution, it will begin a dialogue with the GAC to clarify the scope of the requirements provided in the Category 1 safeguard advice.</p>

**ICANN NGPC PAPER NO. [To be assigned by the Secretary]**

**TITLE:** **GAC Advice in Beijing Communiqué regarding  
Category 1 Safeguard Advice**

**PROPOSED ACTION:** **For NGPC Consideration**

**EXECUTIVE SUMMARY:**

At its meeting in Amsterdam on 18 May 2013, the NGPC agreed to a framework that organizes individual advice from the GAC's Beijing Communiqué into discrete groupings to allow the NGPC to prioritize its work. In the Beijing Communiqué, the GAC proposed Category 1 safeguard advice, which includes recommended restrictions and consumer protections for sensitive strings and regulated markets. The Category 1 safeguard advice is identified in the GAC Register of Advice as "2013-04-11-Safeguards-Category-1" (the "Category 1 Safeguard Advice"). 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'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.

The NGPC is being asked to defer entering into registry agreements with applicants who have applied for TLD strings listed in the GAC's Category 1 Safeguard Advice, pending a dialogue with the GAC. (Note: the dialogue with the GAC on Category 1 will also include discussion of GAC's Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice states that it applies "in particular for strings mentioned under Category 1".) As noted by the community during the public comment period on the GAC's safeguard advice, the GAC's Category 1 Safeguard Advice presents some implementation concerns. The NGPC proposes to begin a dialogue with the GAC during

the ICANN Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice.

**STAFF RECOMMENDATION:**

Staff recommends the NGPC defer entering into registry agreements with applicants who have applied for TLD strings listed in the GAC's Category 1 Safeguard Advice, pending a dialogue with the GAC.

**PROPOSED RESOLUTION:**

Whereas, the GAC met during the ICANN 46 meeting in Beijing and issued a Communiqué on 11 April 2013 (“Beijing Communiqué”);

Whereas, the Beijing Communiqué included Category 1 safeguard advice, which is identified in the GAC Register of Advice as 2013-04-11-Safeguards-Categories-1 (the “Category 1 Safeguard Advice”);

Whereas, on 23 April 2013, ICANN initiated a public comment forum to solicit the community's input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of New gTLD strings  
<<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>>;

Whereas, the NGPC met on 8 and 18 May and 4, 11, 18 and 25 June 2013 to consider a plan for responding to the GAC's advice on the New gTLD Program, including the Category 1 Safeguard Advice;

Whereas, the NGPC met on 2 July 2013 to further discuss and consider its plan for responding the GAC's advice in the Beijing Communiqué on the New gTLD Program;

Whereas, the NGPC has considered the public comments on the Category 1 Safeguard Advice submitted during the public comment forum; and

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board’s authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2013.xx.xx.NGxx), the NGPC agrees to begin a dialogue with the GAC during the ICANN Meeting in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice. (Note: the dialogue with the GAC on Category 1 will also include discussion of GAC's Category 2.1 Safeguard Advice regarding "Restricted Access" since that advice states that it applies "in particular for strings mentioned under Category 1".)

Resolved (2013.xx.xx.NGxx), the NGPC directs staff 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.

## **PROPOSED RATIONALE:**

### **Why the NGPC is addressing the issue?**

Article XI, Section 2.1 of the ICANN Bylaws

<http://www.icann.org/en/about/governance/bylaws#XI> permits the GAC to “put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.” The GAC issued advice to the Board on the New gTLD Program through its Beijing Communiqué dated 11 April 2013. The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the polices. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

### **What is the proposal being considered?**

The NGPC is being asked to consider its response to the Category 1 Safeguard Advice identified in the GAC Register of Advice as “2013-04-11-Safeguards-Categories-1.” The NGPC proposes to begin a dialogue with the GAC in Durban to clarify the scope of the requirements provided in the Category 1 Safeguard Advice.

### **Which stakeholders or others were consulted?**

On 23 April 2013, ICANN initiated a public comment forum to solicit input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of new gTLD strings <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>. The public comment forum closed on 4 June 2013. The NGPC has considered the community comments in adopting this Resolution.

### **What concerns or issues were raised by the community?**

ICANN received several responses from the community during the course of the public comment forum on broad categories of GAC safeguard advice. The full set of comments and a summary are available at <<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>>. Of those commenters voicing support, the commenters expressed general agreement with the Category 1 safeguards but some also indicated they require additional clarity. Those expressing opposition suggested that this advice is untimely, ill-conceived, overbroad, and too vague to implement. There was also concern expressed over the inherent lack of fairness and predictable treatment of strings with respect to their placement in the respective sectors/sub-categories of Category 1 and some comments pointed out that the list itself is inconsistent. One commenter expressed that the GAC’s advice proposes to “make registrars and registries authoritative licensing validation entities for 200 jurisdictions and an innumerable number of sectors and professions.”

One overarching theme from the public comments was the need for additional clarity on the scope and intent of the Category 1 Safeguard Advice. In particular, the community noted the following concerns, which the NGPC considered in adopting this Resolution:

I. Categories of Strings

1. The list of strings is inconsistent. The categories are broad and undefined. This creates issues of fairness and predictable treatment of new gTLD applications.

Specifically:

- a. The list places many generic words in the same categories as highly regulated industries. For example:

<u>Generic</u>	<u>Highly Regulated</u>
SAVE	BANK
CARE	LAWYER
HEART	PHARMACY

- b. Some of the strings identified apply to a range of individuals, businesses and associations and has segments that are both licensed and unlicensed.
  - i. Example: .ENGINEER could apply to software engineers as well as civil engineers. Also, engineers are regulated in some parts of the world, but not others. In some cases, only specific disciplines require licenses or certificates.
  - ii. Example: .LEGAL could apply to lawyers, paralegals, legal research services and publishers, and court reporting and transcribing services often used in the legal profession. Not all of these businesses and associations require licenses.
- c. It is difficult to determine the relevant industry self-regulation organizations. If the relevant organizations could be identified, it is not feasible to establish working relationships with them all.
  - i. Example: In the United States, some engineering disciplines are regulated at the state level- not the national level. This would require the registry operator for .ENGINEER to form relationships with all 50 state regulators in the United States, in addition to

regulators across the world. This could easily amount to hundreds of relationships.

ii. Example: For .HIPHOP, it is not clear who the relevant regulatory body is for purposes of complying with the Category 1 Safeguards.

d. Many of the strings are generic terms which may be sensitive or regulated in a single or a few jurisdictions, but it is not appropriate to limit their use in other jurisdictions.

2. There is no principled basis for distinguishing between certain categories and strings. Examples provided by the community include:

<b><u>GAC Category 1</u></b>	<b><u>Includes</u></b>	<b><u>Does Not Include</u></b>
Children	.school	.camp
Intellectual Property	.fashion	.style; .clothing
Intellectual Property	.author	.actor
Education	.degree, .mba, and .university	.college; .education; .phd; .training; .science
Financial	.discount	.cheap or .bargain
Charity	.charity	.foundation
Financial	.financialaid	.scholarships
Professional Services	.lawyer and .doctor	.contractors

3. In some instances the safeguards are related to the content of websites, which is outside the scope of ICANN's remit.

## II. Comments and other concerns regarding Category 1 Safeguards

### A. Safeguards 1 & 2

***Safeguard #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.

***Safeguard #2:*** Registry operators will require registrars at the time of registration to notify registrants of this requirement.

1. No concerns. Safeguards 1 and 2 require registrants to comply with applicable law, which all registrants are already required to do.

***Safeguard #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.

1. The safeguard is not specific enough, and thus it is not possible to implement it.
2. The registry operator is not the appropriate entity to carry out the safeguard. Instead, it should be handled by appropriate legislative, law enforcement and industry expert bodies.
3. It is not clear whether the phrase “reasonable and appropriate security measures commensurate with the offering of those services, *as defined by applicable law and recognized industry standards*” is intended to simply require registrants to abide by applicable law (which would be feasible), or if the GAC is intending to create a new standard (reasonable and appropriate...) that registries would be required to develop and enforce;



4. It is not clear how “recognized industry standards” would be identified and applied in the context of hundreds of different sectors.

**C. *Safeguard #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.***

1. The safeguard raises contract enforcement questions (e.g., how are the relevant regulatory agencies and industry self-regulatory organizations identified; who determines which industry self-regulation organizations bodies are “relevant” to a particular string and which governmental body is the competent regulatory agency).
2. Some regulatory bodies or industry self-regulatory bodies may not be responsive to collaboration with registry operators.

**D. *Safeguard #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.***

1. Let’s say that an individual wants to register myname.health in order to keep his friends informed of his progress in eating better and exercising more. How would he determine which regulatory agencies and self-regulatory organizations around the globe are relevant?
2. Registry operators already have a point of contact for a registrant as a result of the accurate WHOIS data requirements. The advice does not acknowledge the existing standards, such as RFC 2142, that mandates abuse@domain as the standard point of contact for “inappropriate public behavior.”
3. For unrestricted TLDs, the appropriate way to implement this safeguard would be via registrars and the RAA.

E. Safeguard #s 6-8

**Safeguard #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.*

**Category 1 Safeguard #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.*

**Category 1 Safeguard #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.*

1. Implementation would change the nature of some new gTLDs from being open to uses that are not regulated into restricted TLDs open only to registrants that can prove their status or credentials.
2. Implementation would potentially discriminate against users in developing nations whose governments do not have regulatory bodies or keep databases which a registry/registrar could work with to verify credentials.
3. Implementation would potentially discriminate against users in developed nations whose governments have developed different regulatory regimes. For example, in Australia, anyone can claim to be an accountant but anyone holding themselves out as a chartered accountant is subject to regulation.

The complete set of public comments can be reviewed at:

<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>.

## **What significant materials did the NGPC review?**

As part of its deliberations, the NGPC reviewed the following significant materials and documents:

- GAC Beijing Communiqué:  
<http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf>
- Public comments in response to broad categories of GAC safeguard advice:  
<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>
- Report of Public Comments, New gTLD Board Committee Consideration of GAC Safeguard Advice dated 18 June 2013: <http://www.icann.org/en/news/public-comment/report-comments-gac-safeguard-advice-19jun13-en>

## **What factors did the Board find to be significant?**

The Beijing Communiqué generated significant interest from the community and stimulated many comments. The NGPC considered the community comments, the GAC's advice transmitted in the Beijing Communiqué, and the procedures established in the AGB for addressing GAC advice to the New gTLD Program.

## **Are there positive or negative community impacts?**

The adoption of the Resolution will assist with moving forward to resolve the GAC advice in a manner that provides clarity to applicants on the scope and implementation of the Category 1 Safeguard Advice.

## **Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?**

There are no foreseen fiscal impacts or ramifications on ICANN associated with the adoption of this resolution.

**Are there any security, stability or resiliency issues relating to the DNS?**

Approval of the proposed resolution will not impact security, stability or resiliency issues relating to the DNS.

**Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?**

On 23 April 2013, ICANN initiated a public comment forum to solicit input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of new gTLD strings <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>. The public comment forum closed on 4 June 2013.

**Signature Block:**

Submitted by: Jamie Hedlund

Position: Vice President of Stakeholder Engagement for North America

Date Noted: 1 July 2013

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Consideration of GAC Advice regarding Category 2 Safeguards – Restricted Access

<p><b>What is the Issue?</b></p> <p>In the Beijing Communiqué, the GAC proposed “Category 2” safeguards, which includes safeguards for restricted registry access. The NGPC is being asked to consider addressing the Category 2 advice related to restricted access by including a provision in the PIC Specification in the proposed final draft of the New gTLD Registry Agreement.</p>	<p><b>Why Is It Important?</b></p> <p>The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the polices. It is important to complete the consideration of this issue as soon as possible to resolve the advice in the GAC’s Beijing Communiqué for the Category 2 safeguards regarding restricted access.</p>
<p><b>Who is the Decision-maker? Who is the Shepherd?</b></p> <p>The NGPC is the decision-maker. Chris Disspain is the NGPC’s shepherd on this issue.</p>	<p><b>Next Steps?</b></p> <p>If the NGPC adopts the resolution, staff would be directed to revise the proposed final version of the New gTLD Registry Agreement to include an additional provision in the PIC Specification.</p>

**ICANN NGPC PAPER NO. 2013.07.02.1d**

**TITLE:** **GAC Advice in Beijing Communiqué regarding  
Category 2 Safeguards – Restricted Access**

**PROPOSED ACTION:** **For NGPC Consideration**

**EXECUTIVE SUMMARY:**

At its meeting in Amsterdam on 18 May 2013, the NGPC agreed to a framework that organizes individual advice from the GAC’s Beijing Communiqué into discrete groupings to allow the NGPC to prioritize its work. In the Beijing Communiqué, the GAC proposed “Category 2” safeguard advice, which includes recommended restrictions for “restricted access” TLDs and “exclusive access” TLDs. (The NGPC adopted a resolution to address exclusive access registries at its 25 June 2013 meeting.)

The NGPC is being asked to consider including a provision in the Public Interest Commitments (“PIC”) Specification in the New gTLD Registry Agreement to address the GAC’s safeguard advice regarding restricted access strings. The proposed provision for the PIC Specification would permit a registry operator to establish restricted registration policies for the TLD, including any that may be appropriate for risks associated with the TLD. The NGPC previously adopted a resolution to revise the PIC Specification to require registry operators to operate TLDs in a “transparent manner consistent with general principles of openness and non-discrimination by establishing, publishing and adhering to clear registration policies.”

<http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.c>. Registry operators who establish restricted registration policies for a TLD would be required to comply with this call for transparency, because the provision is applicable to all TLDs.

Annex I includes the proposed language for the PIC Specification to address the Category 2 GAC Advice concerning restricted access.

**STAFF RECOMMENDATION:**

Staff recommends the NGPC accept the GAC advice regarding Category 2 Safeguards for restricted access as presented in PIC Specification attached as Annex I, and (2) direct staff to revise the proposed final draft of the New gTLD Registry Agreement as presented in Annex I.

**PROPOSED RESOLUTION:**

Whereas, the GAC met during the ICANN 46 meeting in Beijing and issued a Communiqué on 11 April 2013 (“Beijing Communiqué”);

Whereas, the Beijing Communiqué included Category 2 safeguard advice, which is identified in the GAC Register of Advice as 2013-04-11-Safeguards-Categories-2 (the “Category 2 Safeguard Advice”);

Whereas, on 23 April 2013, ICANN initiated a public comment forum to solicit the community’s input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of New gTLD strings  
<<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>>;

Whereas, the NGPC met on 8 and 18 May and 4, 11, 18 and 25 June 2013 to consider a plan for responding to the GAC’s advice on the New gTLD Program, including the Category 2 Safeguard Advice related to restricted access;

Whereas, the NGPC met on 2 July 2013 to further discuss and consider its plan for responding the GAC’s advice in the Beijing Communiqué on the Category 2 Safeguard Advice related to restricted access;

Whereas, the NGPC has considered the public comments submitted during the public comment forum, and proposes revisions to the final draft of the New gTLD Registry Agreement < <http://www.icann.org/en/news/public-comment/base-agreement-29apr13-en.htm>> as presented in Annex I attached to this Resolution in response to the Category 2 Safeguard Advice concerning restricted access; and

Whereas, the NGPC is undertaking this action pursuant to the authority granted to it by the Board on 10 April 2012, to exercise the ICANN Board’s authority for any and all issues that may arise relating to the New gTLD Program.

Resolved (2013.xx.xx.NGxx), the NGPC adopts the “PIC Spec Implementation of GAC Category 2 Safeguards – Restricted Access” (28 June 2013), attached as Annex I to this Resolution, in response to the GAC’s Category 2 Safeguard Advice concerning restricted registry access.

Resolved (2013.xx.xx.NGxx), the NGPC directs staff to make appropriate changes to the final draft of the New gTLD Registry Agreement, as presented in Annex I attached to this Resolution, to implement the GAC’s Category 2 Safeguard Advice concerning restricted registry access.

## **PROPOSED RATIONALE:**

### **Why the NGPC is addressing the issue?**

Article XI, Section 2.1 of the ICANN Bylaws

<http://www.icann.org/en/about/governance/bylaws#XI> permit the GAC to “put issues to the Board directly, either by way of comment or prior advice, or by way of specifically recommending action or new policy development or revision to existing policies.” The GAC issued advice to the Board on the New gTLD Program through its Beijing Communiqué dated 11 April 2013. The ICANN Bylaws require the Board to take into account the GAC’s advice on public policy matters in the formulation and adoption of the policies. If the Board decides to take an action that is not consistent with the GAC advice, it must inform the GAC and state the reasons why it decided not to follow the advice. The Board and the GAC will then try in good faith to find a mutually acceptable solution. If no solution can be found, the Board will state in its final decision why the GAC advice was not followed.

### **What is the proposal being considered?**



The NGPC is being asked to respond to the Category 2 safeguard advice concerning restricted access, which is included in the GAC Register of Advice as “2013-04-11-Safeguards-Categories-2.” The NGPC is considering including a provision in the PIC Specification in the New gTLD Registry Agreement that would permit a registry operator to establish restricted registration policies for the TLD, including any that may be appropriate for risks associated with the TLD.

### **Which stakeholders or others were consulted?**

On 23 April 2013, ICANN initiated a public comment forum to solicit input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of new gTLD strings <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>. The public comment forum closed on 4 June 2013. The NGPC has considered the community comments in formulating its response to the GAC’s Category 2 Safeguard Advice concerning restricted access.

### **What concerns or issues were raised by the community?**

ICANN received several responses from the community during the course of the public comment forum on broad categories of GAC safeguard advice. Supporting comments generally agreed that, for certain strings, restricted access is warranted. Opposing comments generally indicated that this is unanticipated and wholly new policy without justification and that these strings would be unfairly prejudiced in the consumer marketplace. The complete set of public comments can be reviewed at: <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>.

In adopting this Resolution, the NGPC specifically acknowledges comments from the community opposed to the NGPC accepting the GAC's advice. Opposing commenters generally expressed concern that this is new and unanticipated policy, contrary to the bottom-up process. The NGPC notes that the Beijing Communiqué was published to solicit public comment on the broad categories of the GAC's safeguard advice. This demonstrates ICANN's commitment to a bottom-up, multi-stakeholder model, and

provided stakeholders with approximately six weeks (including the public comment and reply periods) to analyze, review and respond to the proposed recommendations. The NGPC views finding a workable solution to the GAC's advice as a step forward as the community continues to respond to the needs of registrants, the community and all stakeholders.

For the comments specifically concerning restricted registry access, the NGPC takes note of the comments urging the NGPC to avoid imposing unduly burdensome restrictions. Additionally, commenters note that placing restrictions on some strings but not others may unfairly prejudice those strings in the marketplace. The proposed PIC Specification being considered by the NGPC balances the concerns expressed in the public comments with the GAC's advice on restricted access.

### **What significant materials did the NGPC review?**

As part of its deliberations, the NGPC reviewed the following significant materials and documents:

- GAC Beijing Communiqué:  
<http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf>
- Public comments in response to broad categories of GAC safeguard advice:  
<http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>

### **What factors did the Board find to be significant?**

The Beijing Communiqué generated significant interest from the community and stimulated many comments. The NGPC considered the community comments, the GAC's advice transmitted in the Beijing Communiqué, and the procedures established in the AGB for addressing GAC advice to the New gTLD Program.

### **Are there positive or negative community impacts?**

The adoption of the GAC advice as provided in the attached Annex will assist with resolving the GAC advice in a manner that permits the greatest number of new gTLD applications to continue to move forward as soon as possible.

**Are there fiscal impacts or ramifications on ICANN (strategic plan, operating plan, budget); the community; and/or the public?**

There are no foreseen fiscal impacts associated with the adoption of this resolution.

**Are there any security, stability or resiliency issues relating to the DNS?**

Approval of the proposed resolution will not impact security, stability or resiliency issues relating to the DNS.

**Is this either a defined policy process within ICANN's Supporting Organizations or ICANN's Organizational Administrative Function decision requiring public comment or not requiring public comment?**

On 23 April 2013, ICANN initiated a public comment forum to solicit input on how the NGPC should address GAC advice regarding safeguards applicable to broad categories of new gTLD strings <http://www.icann.org/en/news/public-comment/gac-safeguard-advice-23apr13-en.htm>. The public comment forum closed on 4 June 2013.

**Signature Block:**

Submitted by: Jamie Hedlund

Position: Vice President of Stakeholder Engagement for North America

Date Noted: 1 July 2013

Email: jamie.hedlund@icann.org

## **Annex I**

### **PIC Spec Implementation of GAC Category 2 Safeguards – Restricted Access (1 July 2013)**

The following is a draft version of the GAC's Beijing Communiqué Category 2 safeguards for restricted access implemented as Public Interest Commitments.

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#### **Specification 11 Public Interest Commitments (Category 2 Safeguard Advice – Restricted Access)**

1. Registry operator may establish restricted registration policies for the TLD, including any that may be appropriate for risks associated with the TLD.