The Internet Corporation for Assigned Names and Numbers

ICANN

6 June 2013

Heather Dryden
Chair, Governmental Advisory Committee

Re: NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC Beijing Communiqué

Dear Heather,

On behalf of the New gTLD Program Committee (NGPC), I am writing to inform you of the Committee's most recent actions with respect to the GAC Beijing Advice. On 4 June 2013, the NGPC passed a resolution accepting nine items of the GAC's advice with respect to New gTLD applications. The Resolution addresses most though not all of the GAC's non-Safeguard Advice and does not address any of the Safeguard Advice in Annex 1 of the GAC Beijing Communiqué. As such, this Resolution represents only the first of what will be a series of NGPC decisions addressing the GAC's Beijing advice.

The NGPC Resolution and Scorecard

The GAC issued its most recent New gTLD advice at ICANN Beijing meeting on 11 April 2013. ICANN notified New gTLD applicants of the commencement of the 21-day period in which they could respond to the GAC Beijing Advice on 19 April 2013. As detailed in my most recent letters to you, the NGPC met on 8 May 2013 and again on 18 May to discuss how it would respond to the GAC's non-Safeguard Advice. During those meetings, the NGPC developed tentative positions on these items of advice, subject to consideration of the Applicant responses.

In advance of the NGPC's meeting on 4 June 2013, ICANN staff prepared a summary and analysis of the Applicant responses to the GAC Beijing advice on New gTLDs. Taking into account the Applicant Responses, the NGPC passed a resolution accepting nine items of the GAC's non-Safeguard advice.

Attached to this letter as Appendix 1 is the NGPC's Resolution adopted at the 4 June 2013 meeting. The Resolution simply adopts the Scorecard attached as Annex 1. The Scorecard does the following: 1) it lists the nine items of non-Safeguard Advice addressed by the NGPC to date; 2) it indicates that the NGPC accepts each of those items of advice; and 3) it describes how ICANN will implement the advice. Rather than repeat each item of advice and the NGPC's response here, I refer you to the Scorecard in Annex 1 of the Resolution. It is our hope that the Scorecard is sufficiently clear and

understandable that the NGPC's responses may be entered into the GAC Advice Register as is.

Other Matters from the GAC Beijing Advice Considered by the NGPC

The NGPC also addressed the following additional matters from the GAC Beijing Communiqué:

1. Written Briefing on the ability of an applicant to change its applied-for string

> In Section IV.1.d of the GAC Beijing Communiqué, the GAC requested a "written briefing about the ability of an applicant to change the string applied for in order to address concerns raised by a GAC Member and to identify a mutually acceptable solution." In response to the GAC's request, please find a written briefing on this matter attached to this letter as Appendix 2.

2. Protections for Intergovernmental Organizations

> In Section IV.1.g of the GAC Beijing Communiqué, the GAC reiterated its advice that "appropriate preventative initial protection for the IGO names and acronyms on the provided list be in place before any new gTLDs would launch." The GAC also noted that it was "mindful of outstanding implementation issues and commits to actively working with IGOs, the Board, and ICANN Staff to find a workable and timely way forward." The NGPC appreciates the GAC's willingness to collaborate to address the outstanding implementation issues. So that we may move forward, the NGPC formally requests that the GAC and a small number of NGPC members and ICANN staff begin a dialogue on these issues. The formal request is being sent under separate cover.

3. Public Interest Commitments Specifications

> In Section IV.5 of the GAC Beijing Communiqué, the GAC requested, "more information on the Public Interest Commitments Specifications on the basis of the questions listed in annex II." The NGPC's responses to these questions are attached as Appendix 3.

Future Work of the NGPC

As noted above, the 4 June 2013 Resolution only addresses a portion of the GAC's Beijing Advice. The NGPC has scheduled meetings on 11, 18 and 25 June to address the remaining items of advice, most notably the Safeguards Advice in Annex 1 of the GAC Beijing Communiqué. The NGPC continues to prioritize its work in order to allow the greatest number of applications to move forward as soon as possible.

I hope that this information is helpful. I look forward to providing you with further updates on the NGPC's progress in responding to the GAC Beijing advice.

Best regards,

Stephen D. Crocker, Chair
ICANN Board of Directors

Appendix 1

NGPC Resolution and Annex 1 Scorecard

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

Whereas, on 18 April 2013, ICANN posted the Beijing Communiqué and officially notified applicants of the advice, http://newgtlds.icann.org/en/announcements-and-media/announcement-18apr13-en triggering the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1;

Whereas, the NGPC met on 8 May 2013 to consider a plan for responding to the GAC's advice on the New gTLD Program, transmitted to the Board through its Beijing Communiqué;

Whereas, the NGPC met on 18 May 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 applicant responses submitted during the 21- day applicant response period, and the NGPC has identified nine (9) items of advice in the attached scorecard where its position is consistent with the GAC's advice in the Beijing Communiqué.

Whereas, the NGPC developed a scorecard to respond to the GAC's advice in the Beijing Communiqué similar to the one used during the GAC and Board meetings in Brussels on 28 February and 1 March 2011, and has identified where the NGPC's position is consistent with GAC advice, noting those as "1A" items.

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 (2013.06.04.NG01), the NGPC adopts the "NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC Beijing Communiqué" (4 June 2013), attached as Annex 1 to this Resolution, in response to the items of GAC advice in the Beijing Communiqué as presented in the scorecard.

Rationale for Resolution 2013.06.04.NG01

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 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 accepting a discrete grouping of the GAC advice as described in the attached NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC Beijing Communiqué (4 June 2013), which includes nine (9) items of non-safeguard advice from the Beijing Communiqué as listed in the GAC Register of Advice. These items are those for which the NGPC has a position that is consistent with the GAC's advice.

Which stakeholders or others were consulted?

On 18 April 2013, ICANN posted the GAC advice and officially notified applicants of the advice, http://newgtlds.icann.org/en/announcements-and-media/announcement-18apr13-en triggering the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1 http://newgtlds.icann.org/en/applicants/gac-advice- responses. The NGPC has considered the applicant responses in formulating its response to the GAC advice as applicable.

To note, 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 on how the NGPC should address GAC advice regarding safeguards is open through 4 June 2013. These comments will serve as important inputs to the NGPC's future consideration of the other elements of GAC advice not being considered at this time in the attached scorecard.

What concerns or issues were raised by the community?

As part of the 21-day applicant response period, ICANN received 383 applicant response documents representing 745 unique applications. Twenty-three responses were withdrawn and eleven were submitted after the deadline. Applicants appear to generally support the spirit of the GAC advice. The responses expressed concerns that the advice was too broad in its reach and did not take into account individual applications. Some applicant responses expressed concern that some elements of the advice seem to circumvent the bottom-up, multi-stakeholder model, while others proposed that the NGPC reject specific elements of the advice. A review of the comments has been

provided to the NGPC under separate cover. The complete set of applicant responses can be reviewed at: http://newgtlds.icann.org/en/applicants/gac-advice-responses.

What significant materials did the Board review?

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

- GAC Beijing Communiqué:

http://www.icann.org/en/news/correspondence/gac-to-board-18apr13-en.pdf

- Applicant responses to GAC advice:

http://newgtlds.icann.org/en/applicants/gac-advice-responses

- Applicant Guidebook, Module 3:

http://newgtlds.icann.org/en/applicants/agb/objection-procedures-04jun12- en.pdf

What factors did the Board find to be significant?

The Beijing Communiqué generated significant interest from applicants and resulted in many comments. The NGPC considered the applicant comments, the GAC's advice transmitted in the Beijing Communiqué, and the procedures established in the AGB.

Are there positive or negative community impacts?

The adoption of the GAC advice as provided in the attached scorecard will assist with resolving the GAC advice in 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?

ICANN posted the GAC advice and officially notified applicants of the advice on 18 April 2013 http://newgtlds.icann.org/en/announcements-and-media/announcement-18apr13-en. This triggered the 21-day applicant response period pursuant to the Applicant Guidebook Module 3.1.

ANNEX 1 to NGPC Resolution No. 2013.06.04.NG01

NGPC Scorecard of 1As Regarding Non-Safeguard Advice in the GAC Beijing Communiqué

4 June 2013

This document contains the NGPC's response to the GAC Beijing Communiqué issued 11 April 2013 <http://www.icann.org/en/news/correspondence/gac-to-board-11apr13-en> for the non-safeguard advice items in the GAC Register of Advice where the NGPC has adopted a score of "1A" to indicate that its position is consistent with the GAC advice as described in the Scorecard. Refer to the GAC Register of Advice for the full text of each item of advice in the GAC Beijing Communiqué <https://gacweb.icann.org/display/GACADV/GAC+Register+of+Advice>.

GAC Register #	Summary of GAC Advice		NGPC Response
1. 2013-04-11-Obj-Africa (Communiqué §1.a.i.1)	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: .africa (Application number 1-1165-42560)	1A	The NGPC accepts this advice. The AGB provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved." (AGB § 3.1) The NGPC directs staff that pursuant to the GAC advice and Section 3.1 of the Applicant Guidebook, Application number 1-1165-42560 for .africa will not be approved. In accordance with the AGB the applicant may withdraw (pursuant to AGB § 1.5.1) or seek relief according to ICANN's accountability mechanisms (see ICANN Bylaws, Articles IV and V) subject to the appropriate standing and procedural requirements.
2. 2013-04-11-Obj-GCC (Communiqué §1.a.i.2)	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: .gcc (application number: 1-1936-2101)	1A	The NGPC accepts this advice. The AGB provides that if "GAC advises ICANN that it is the consensus of the GAC that a particular application should not proceed. This will create a strong presumption for the ICANN Board that the application should not be approved." (AGB § 3.1) The NGPC directs staff that pursuant to the GAC advice and Section 3.1 of the Applicant Guidebook, Application number 1-1936-2101 for .gcc will not be approved. In accordance with the AGB the applicant may withdraw (pursuant to AGB § 1.5.1) or seek relief according to ICANN's accountability mechanisms (see ICANN Bylaws, Articles IV and V) subject to the appropriate standing and procedural requirements.

GAC Register #	Summary of GAC Advice		NGPC Response
3. 2103-04-11-Religious Terms (Communiqué §1.a.ii)	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.	1A	The NGPC accepts this advice. The AGB provides that if "GAC advises ICANN that there are concerns about a particular application 'dot-example,' the ICANN Board is expected to enter into dialogue with the GAC to understand the scope of concerns." Pursuant to Section 3.1.ii of the AGB, the NGPC stands ready to enter into dialogue with the GAC on this matter. We look forward to liaising with the GAC as to how such dialogue should be conducted. (Note a community objection has been filed with the International Centre for Expertise of the ICC against .ISLAM and .HALAL. Because formal objections have been filed, these applications cannot move to the contracting phase until the objections are resolved.)

GAC Register #	Summary of GAC Advice		NGPC Response
4. 2013-04-11-gTLDStrings (Communiqué §1.c)	In addition to this safeguard advice, the GAC has identified certain gTLD strings where further GAC consideration may be warranted, including at the GAC meetings to be held in Durban. Consequently, the GAC advises the ICANN Board to not proceed beyond Initial Evaluation with the following strings : .shenzhen (IDN in Chinese), .persiangulf, .guangzhou (IDN in Chinese), .amazon (and IDNs in Japanese and Chinese), .patagonia, .date, .spa, .yun, .thai, .zulu, .wine, .vin	1A	The NGPC accepts this advice. The AGB provides that "GAC advice will not toll the processing of any application (i.e., an application will not be suspended but will continue through the stages of the application process)" (AGB § 3.1). At this time, ICANN will not proceed beyond initial evaluation of these identified strings. In other words, ICANN will allow evaluation and dispute resolution processes to go forward, but will not enter into registry agreements with applicants for the identified strings for now. (Note: community objections have been filed with the International Centre for Expertise of the ICC against .PERSIANGULF, .AMAZON, and .PATAGONIA. The application for .ZULU was withdrawn.)
5. 2013-04-11-CommunitySupport (Communiqué §1.e)	The GAC advises the Board that in those cases where a community, which is clearly impacted by a set of new gTLD 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.	1A	The NGPC accepts this advice. 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. (Note however that if a contention set is not resolved by the applicants or through a community priority evaluation then ICANN will utilize an auction as the objective method for resolving the contention.)

GAC Register #	Summary of GAC Advice		NGPC Response
6. 2013-04-11-PluralStrings (Communiqué §1.f)	The GAC believes that singular and plural versions of the string as a TLD could lead to potential consumer confusion. Therefore the GAC advises the Board to reconsider its decision to allow singular and plural versions of the same strings.	1A	The NGPC accepts this advice and will consider whether to allow singular and plural versions of the same string.
7. 2013-04-11-RAA (Communiqué §2)	The GAC advises the ICANN Board that the 2013 Registrar Accreditation Agreement should be finalized before any new gTLD contracts are approved.	1A	The NGPC accepts this advice. The final draft of the RAA was posted for public comment on 22 April 2013. The new gTLD Registry Agreement was posted for public comment on 29 April 2013, and it requires all new gTLD registries to only use 2013 RAA registrars. The public comment reply period for the 2013 RAA closes on 4 June 2013. The NGPC intends to consider the 2013 RAA shortly thereafter.
8. 2013-04-11-WHOIS (Communiqué §3)	The GAC urges the ICANN Board to ensure that the GAC Principles Regarding gTLD WHOIS Services, approved in 2007, are duly taken into account by the recently established Directory Services Expert Working Group.	1A	The NGPC accepts this advice. The NGPC notes that staff has confirmed that the GAC Principles have been shared with the Expert Working Group.

GAC Register #	Summary of GAC Advice		NGPC Response
9. 2013-04-11-IOCRC (Communiqué §4)	The GAC advises the ICANN Board to amend the provisions in the new gTLD 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.	1A	The NGPC accepts the GAC advice. The proposed final version of the Registry Agreement posted for public comment on 29 April 2013 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." 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's initiation of an expedited PDP. Until such time as the GNSO approves recommendations in the PDP and the Board adopts them, the NGPC's resolutions protecting IOC/RCRC names will remain in place. Should the GNSO submit any recommendations on this topic, the NGPC will confer with the GAC prior to taking action on any such recommendations.

Appendix 2

Written Briefing on the Ability of an Applicant to Change its Applied-for string

Section IV.1.d. of the GAC Beijing Communiqué included the following request:

> ***d. The GAC requests:***
>
> *i. A written briefing about the ability of an applicant to change the string applied for in order to address concerns raised by a GAC Member and to identify a mutually acceptable solution.*

Allowing an applicant to change the applied-for string at this stage of the Program is problematic for many reasons.

The applied-for string is the cornerstone upon which the entire application is built. Aside from correcting a typo/administrative error, a change in a string name is likely to impact business models. In the best case scenario, a change in a string name with no changes to the business model of the application will cause a re-evaluation of that string by the DNS Stability, String Similarity, and Geographic Names panels. In the worse case scenario where a change in the string name is accompanied by a change in the business model, a re-evaluation by all of these panels and Financial, Technical panels would be required as well.

As the work of all of these panels has for the most part been completed, re-evaluation by these panels has huge cost, timing, and resource implications. From a resource perspective, as the majority of the work is completed, the panels have significantly ramped down and resources have moved on to other projects. It would require time and ramp up the appropriate resources again to perform the work, and there's no guarantee that the previously trained resources would be available. There is also the question of which party will absorb the additional cost incurred for the re-evaluation? ICANN or the applicant?

A re-evaluation would also mean delays to the Program. For those applicants who were not subjected to GAC Advice and do not need to change their applications, they could be unfairly disadvantaged if the delay impacts the Program as a whole.

There are other practical implications if ICANN were to proceed to allow applicants to change their strings for reasons other than typo/administrative errors. Based on fairness, other applicants would likely request the ability to change their strings as well, which would exacerbate the resourcing and delay issue. Moreover, ICANN has already rejected one applicant's request to make such a change on the basis that the applicant failed to meet the criteria for the change request process. Allowing applicants to change strings at this time would require the development of a new set of criteria for the process, which imposes even further delay and subjectivity into the change request evaluation.

Due to the serious nature of a string name change, to-date, ICANN has rejected one request for a string name change and approved 4 string name changes to correct typos/administrative errors.

Approvals:

- 1-1165-42560: Approved request to correct a spelling error (.DotAfrica) to the correct spelling of (.Africa)
- 1-928-31367: Approved request to correct a spelling error (.kerrylogisitics) to the correct spelling of (.kerrylogistics)
- 1-1254-29622: Approved request to correct a spelling mistake (.קוֹם) to the correct spelling of (.קום)
- 1-910-25137: Approved request to correct the appropriate form of the IDN transliteration for (.ORG) from (. 机构体制) to (.组织机构)

Rejection:

- 1-1873-71868: Rejected request to change the applied-for string from (.IDN) to (.INTERNET)

Each of these string name changes was submitted shortly after the close of the application window and had no significant impact on the evaluation schedules.

In summary, allowing one string change would lead to calls to extend the same treatment to all applications. Providing such would essentially mean that the completed application reviews, and in some cases, published results, would be nullified and processing of applications would need to start over again.

Appendix 3

NGPC Responses to Questions in Annex 2 of the GAC Beijing Communiqué

1. **Could a third party intervene or object if it thinks that a public interest commitment is not being followed? Will governments be able to raise those sorts of concerns on behalf of their constituents?**

The Public Interest Commitment Dispute Resolution Procedure provides the capability for a third party to initiate a proceeding based on an allegation that the registry has violated one or more of the Public Interest Commitments in its agreement.

According to the current (draft) procedure, the mandatory administrative proceeding will commence when a third-party complainant has filed a Complaint with a Provider asserting that the Complainant has been injured as a result of a Registry Operator's failure to comply with one or more of its PICs. Complainants must have filed a complaint through the Public Interest Commitment Problem Report System, related to the same PIC(s) at issue in the PICDRP proceeding, to have standing to file a PICDRP Complaint.

The Panel will determine standing and the Expert Determination will include a statement of the Complainant's standing.

2. **If an applicant does submit a public interest commitment and it is accepted are they able to later amend it? And if so, is there a process for that?**

When a Public Interest Commitment specification has been accepted, applicants retain the ability to amend it and to submit updates by making a change request to modify the corresponding portions of the application. *Prior to signing the Registry Agreement, ICANN will accept a change request that is directed solely to a change to the PIC Specification unless there are indications that the change is being requested to manipulate the process.*

An example of a change that could be viewed as a manipulation of process is the change of a PIC Specification after the close of the objection period to remove commitments that appeared to be included to avoid the filing of an objection. ICANN evaluates change requests against a defined set of criteria (see http://newgtlds.icann.org/en/applicants/customer-service/change-requests) and informs the applicant whether the changes are approved or denied. In addition, *changes to PIC Specifications will be subject to a further 30-day public review period* to assess whether re-evaluation of the change is required. All public interest commitments made by applicants are expected to be fulfilled.

3. **What are ICANN's intentions with regard to maximizing awareness by registry operators of their commitments?**

PIC Specifications provide applicants with the opportunity to make public interest commitments based on statements made in their applications and/or additional public interest commitments which were not included in their applications but to which they intend to commit. These

commitments will become part of the PIC Specifications and are available on ICANN's website (see https://gtldresult.icann.org/application-result/applicationstatus/viewstatus).

The PIC Specification transforms commitments stated in relation to a TLD application into binding contractual obligations that will be enforced by ICANN through the Public Interest Commitment Dispute Resolution Procedure (PIC-DRP).

4. **Will there be requirements on the operators to maximize the visibility of these commitments so that stakeholders, including governments, can quickly determine what commitments were made?**

The public comment period on the PIC Specifications provides a platform to maximize the visibility of these commitments so that stakeholders, including governments, can quickly determine what commitments were made.

In addition, ICANN is moving to a better Customer Relationship Management tool that will be up and running by the end of the year. This will allow for an easier way to navigate and get additional information about TLDs. Thus, there will be more opportunities to make these the PIC Specifications more visible and easier to track.

5. **How can we follow up a situation where an operator has not made any commitments? What is the process for amending that situation?**

The PIC Specification provided an opportunity for applicants to clarify these commitments, including mitigating risks associated with concerns noted by the GAC. If an applicant has not submitted a PIC Specification and wishes to submit one, it can do so via the change request process.

6. **Are the commitments enforceable, especially later changes? Are they then going into any contract compliance?**

To resolve any issues that might arise regarding non-compliance with a registry's public interest commitments, a third party-administered dispute resolution procedure (the *PIC Dispute Resolution Process*) will be in place. *The* PIC-DRP *is intended to provide a mechanism for consideration of complaints regarding the Registry Operator's compliance with the commitments made in the PIC Specification.*

If there is an issue with the TLD, then those who are affected can raise a complaint under the PIC-DRP. ICANN is not suited to be the monitor of this issue and could not do the job on its own, but the community now has a mechanism to be able to address these things. Once the dispute resolution process comes out with a finding on the issue, then ICANN steps in to ensure that the TLD is behaving accordingly.

7. **How will ICANN decide whether to follow the sanction recommended by the PIC-DRP? Will there be clear and transparent criteria? Based on the Dispute Resolution Procedure, what is the expected fee level?**

ICANN will review any recommendation for reasonableness prior to continuing with enforcement, and the Registry Operator will have an opportunity to contest the reasonableness of the remedy as well.

The service provider(s) will determine the costs for the proceedings that it administers, to cover the fees and expenses of the members of the Panel, as well as the administrative fees of the DRSP.

8. **If serious damage has been a result of the past registration policy, will there be measure to remediate the harm?**

Possible remedies in the current (draft) version of the PIC-DRP include: (i) remedial measures for the registry to employ to ensure against allowing future non-complying use of the gTLD; (ii) suspension of accepting new domain name registrations in the gTLD; or (iii) termination of the Registry Agreement.

Since registrants of domain names registered in violation of the PIC(s) are not a party to the PIC-DRP proceeding, a recommended remedy cannot take the form of deleting, transferring or suspending registrations that were made in violation of the PIC(s) (except to the extent registrants have been shown to be officers, directors, agents, employees, or entities under common control with a registry operator).