



The Internet Corporation for Assigned Names and Numbers

29 October 2013

Heather Dryden
Chair, Governmental Advisory Committee

Re: Update on Category 2 Safeguard Advice in the GAC's Beijing Communiqué

Dear Heather,

In the Beijing Communiqué, the GAC proposed “Category 2” safeguard advice, which included recommended restrictions for “exclusive access” TLDs. The GAC advice stated that, “For strings representing generic terms, exclusive registry access should serve a public interest goal.” The purpose of this letter is to provide an update on the ICANN Board New gTLD Program Committee's (NGPC) consideration of this advice.

At its 25 June 2013 meeting, the NGPC adopted a resolution making changes to Specification 11 in the New gTLD Registry Agreement for applicants not seeking to impose exclusive registry access.¹

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.

- 174 of the applicants indicated that the TLD would not be operated as an exclusive access registry.
- 10 applicants responded that the TLD would be operated as an exclusive access registry. These 10 applicants have applied for the following strings: .BROKER, .CRUISE, .DATA, .DVR, .GROCERY, .MOBILE, .PHONE, .STORE, .THEATER, .THEATRE and .TIRES.
- 2 applicants continue to be non-responsive or provided an incomplete response to the information request.

¹ Specification 11 incorporates an applicant's public interest commitments into the New gTLD Registry Agreement.



Next Steps

At its 28 September 2013 meeting, the NGPC directed staff to move forward with the contracting process for applicants for strings identified in the Category 2 safeguard advice that were prepared to enter into the Registry Agreement as approved, since moving forward with these applicants is consistent with the GAC advice. The language in the Registry Agreement to be signed by the 174 applicants who indicated that the TLD would not be operated as an exclusive access registry is as follows:

Registry Operator of a “Generic String” TLD may not impose 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” (as defined in Section 2.9(c) of the Registry Agreement). “Generic String” means 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.

The NGPC also directed staff to prepare an analysis and proposal for how to implement the Category 2 safeguard advice for 10 applicants who responded that the TLD would be operated as an exclusive access registry. Applicant responses to a request for an explanation of how the proposed exclusive registry access serves a public interest goal will be forwarded to the NGPC and the GAC for further consideration when available.

ICANN continues to follow-up with the two applicants that continue to be non-responsive or provided an incomplete response to the information request.

Thank you for your attention.

Best regards,

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

Stephen D. Crocker
Chair, ICANN Board of Directors