

ANNEX 1 to Resolution 2014.05.14.NG02

GAC Advice (Singapore, Buenos Aires, Durban, Beijing): Actions and Updates

(As of 14 May 2014)

	GAC Register #	GAC Advice		Action/Update
New Items of GAC Advice (Singapore Communiqué)				
1. AMAZON	2014-03-27 - amazon	<p><u>Singapore</u>: The GAC expresses its concerns with the time the Board is taking in evaluating the GAC Objection Advice on the application of the domain name .amazon, as stated in the GAC communiqué, approved in Durban, last July. Therefore the GAC urges the ICANN Board to settle as a high priority its decision according to Module 3.1 part I of the Applicant Guidebook.</p> <p><u>Durban</u>: 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: .amazon (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5591)</p>		<p>On 14 May 2014, the NGPC accepted the GAC advice identified in the GAC Register of Advice as 2013-07-18-Obj-Amazon, and directed the President and CEO, or his designee, that the applications for .AMAZON (application number 1-1315-58086) and related IDNs in Japanese (application number 1-1318-83995) and Chinese (application number 1-1318-5581) filed by Amazon EU S.à r.l. should not proceed. By adopting the GAC advice, the NGPC noted that the decision was without prejudice to the continuing efforts by Amazon EU S.à r.l. and members of the GAC to pursue dialogue on the relevant issues.</p> <p>Refer to NGPC Resolution 2014.05.14.NG03 for additional details.</p>

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2. COMMUNITY APPS	2014-03-27 Community Applications	The GAC advises ICANN to continue to protect the public interest and improve outcomes for communities, and to work with the applicants in an open and transparent manner in an effort to assist those communities. The GAC further notes that a range of issues relating to community applications will need to be dealt with in future rounds.	<p>The NGPC accepts the reiteration of the GAC’s earlier advice regarding community applications.</p> <p>The NGPC will continue to protect the public interest and improve outcomes for communities, and to work with the applicants in an open and transparent manner in an effort to assist those communities within the existing framework.</p>
3. IGO PROTECTIONS	2014-03-27-IGO	The GAC recalls its previous public policy advice from the Toronto, Beijing, Durban and Buenos Aires Communiqués regarding protection for IGO names and acronyms at the top and second levels and awaits the Board’s response regarding implementation of the GAC advice.	<p>On 7 February 2014, the Board directed the NGPC to: (1) consider the policy recommendations from the GNSO as the NGPC continues to actively develop an approach to respond to the GAC advice on protections for IGOs, and (2) develop a comprehensive proposal to address the GAC advice and the GNSO policy recommendations for consideration by the Board at a subsequent meeting.</p> <p>On 13 March 2014, the NGPC forwarded to the GAC for information a draft proposal for implementing the GAC advice on IGO acronym protections at the second level.</p> <p>On 30 April 2014, the Board took action to adopt the GNSO policy recommendations that are not inconsistent with GAC Advice received by the Board on the topic of IGO protections. With respect to the GNSO policy recommendations that differ from the GAC Advice (including this item of GAC Advice) the Board requested additional time to consider them, and will facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic.</p>

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4. SINGULAR/ PLURAL STRINGS	2014-03-27- Plural-Strings	The GAC reiterates the Beijing advice that allowing singular and plural versions of the same strings could lead to consumer harm. Permitting this practice risks confusing internet users and could making users more vulnerable to deceptive practices that exploit this confusion.	The NGPC acknowledges the GAC's reiteration of its advice in the Beijing Communiqué, which advised the Board to reconsider its decision to allow singular and plural versions of the same strings. The NGPC adopted a resolution to accept this advice at its 4 June 2013 meeting, and on 25 June 2013, the NGPC considered whether to allow singular and plural versions of the same string. The NGPC adopted a resolution resolving that no changes were needed to the existing mechanisms in the Applicant Guidebook to address potential consumer confusion resulting from allowing singular and plural versions of the same string < http://www.icann.org/en/groups/board/documents/resolutions-new-gtld-25jun13-en.htm#2.d >. The NGPC notes that this topic may be of further discussion by the community is it considers future rounds of the New gTLD Program.

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5. RAM/ INDIANS	2014-03-27-ram-indians	Further to its Durban Communiqué, the GAC advises the ICANN Board that: a.) The GAC recognizes that religious terms are sensitive issues. The application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations. The GAC notes that the Government of India has requested that the application not be proceeded with; and b.) as noted in the Durban Communiqué, the Government of India has requested that the application for .indians not proceed.	In response to the GAC’s advice in the Durban Communiqué concerning .RAM and .INDIANS, on 10 September 2013, the NGPC adopted an iteration of the Scorecard taking note of the concerns expressed in the GAC’s advice. a) With respect to .RAM, the NGPC takes note of the concerns expressed in the GAC’s Singapore advice that “the application for .ram is a matter of extreme sensitivity for the Government of India on political and religious considerations.” The NGPC also notes the applicant response to the Board from Chrysler Group LLC (“Chrysler”) concerning this advice, in which Chrysler indicated that it “remains hopeful that an accommodation can be reached that addresses the Government’s concerns, yet allows Chrysler to register and operate .RAM as a restricted, exclusively-controlled gTLD. Chrysler representatives are willing to meet with the Government of India to discuss the resolution of this matter at any time that is convenient for the Government.” The NGPC continues to deliberate on this item of GAC advice and encourages the impacted parties to continue the noted discussions. b) With respect to .INDIANS, the NGPC takes note of the GAC’s Singapore advice and continues to deliberate on this item of GAC advice.

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6. RCRC NAMES	2014-03-27-RCRC	<p>Referring to the previous advice that the GAC gave to the board to permanently protect from unauthorised use the terms associated with the International Red Cross and Red Crescent Movement – terms that are protected in international legal instruments and, to a large extent, in legislation in countries throughout the world.</p> <p>The GAC advises that, for clarity, this should also include: (a) the 189 National Red Cross and Red Crescent Societies, in English and the official languages of their respective states of origin; and (b) the full names of the International Committee of the Red Cross and International Federation of the Red Cross and Red Crescent Societies in the six (6) United Nations Languages.</p>	<p>The NGPC adopted a resolution at its 4 June 2013 meeting to accept the previous advice issued in the Beijing Communiqué 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” The New gTLD Registry Agreement adopted by the NGPC on 2 July 2013 included protections for an indefinite duration for IOC/RCRC names. Specification 5 of the approved Registry Agreement included 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.”</p> <p>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” (2012.11.26.NG03). The resolution recognized the GNSO’s initiation of an expedited PDP. The Final Report with consensus policy recommendations was submitted to the Board for consideration on 7 February 2014. On 30 April 2014, the Board took action to adopt the GNSO policy recommendations that are not inconsistent with GAC Advice received by the Board on the topic of protections for certain identifiers of the Red Cross/Red Crescent. With respect to the GNSO policy recommendations that differ from the GAC Advice (including this item of GAC Advice) the Board requested additional time to consider them, and will facilitate discussions among the relevant parties to reconcile any remaining differences between the policy recommendations and the GAC advice on the topic. (To note, the GNSO policy recommends that instead of reserving the RCRC society names as advised by the GAC, the names should be bulk added to the Trademark Clearinghouse.)</p>

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7. SPA	2014-03-27-spa	Regarding the applications for .spa, the GAC understands that the relevant parties in these discussions are the city of Spa and the applicants. The GAC has finalized its consideration of the .spa string and welcomes the report that an agreement has been reached between the city of Spa and one of the applicants.		The NGPC accepts this advice and acknowledges that the GAC has finalized its consideration of the .SPA string and the report that an agreement has been reached between the City of Spa and one of the applicants. The NGPC notes that there is no GAC advice pursuant to Module 3.1 of the Applicant Guidebook. As a result, the applications will proceed through the normal process.

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8. WINE/ VIN	2014-03-27-wine-vin	<p>The GAC notes the NGPC Resolution 2014.03.22.NG01 concerning .wine and .vin as well as its rationale. In the final deliberation of the Board there appears to be at least one process violation and procedural error, including in relation to ByLaws Article XI-A, Section 1 subsection 6 which states:</p> <p>“6. Opportunity to Comment. The Governmental Advisory Committee, in addition to the Supporting Organizations and other Advisory Committees, shall have an opportunity to comment upon any external advice received prior to any decision by the Board.”</p> <p>The GAC therefore advises: that the Board reconsider the matter before delegating these strings. The GAC needs to consider the above elements more fully. In the meantime concerned GAC members believe the applicants and interested parties should be encouraged to continue their negotiations with a view to reach an agreement on the matter.</p>	<p>On 4 April 2014, the NGPC adopted resolutions in response to the GAC’s advice in the Singapore Communiqué concerning the applications for .WINE and .VIN. In its action, the NGPC: (1) accepted the GAC advice identified in the Singapore Communiqué as it relates to the applications for .WINE and .VIN; (2) considered whether there may have been a process violation or procedural error, and concluded that there has been no process violation or procedural error under the Bylaws; and (3) directed the President and CEO to not commence the contracting process for the applications for .WINE and .VIN for 60 days (from the date the resolutions are posted) in order to provide additional time for the relevant impacted parties to negotiate, which they are encouraged to do.</p> <p>The NGPC also recommended that the full Board consider the larger implications of legally complex and politically sensitive issues such as those raised by GAC members, including whether ICANN is the proper venue in which to resolve these issues, or whether there are venues or forums better suited to address concerns such as those raised by GAC members in relation to the .WINE and .VIN applications.</p>

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9. WRITTEN BRIEFING - SAFEGUARDS	https://gacweb.icann.org/pages/viewpage.action?pageId=28278832	The GAC requests clarification from the New gTLD Program Committee (NGPC) on a number of implementation issues. These relate to the implications of changes in WHOIS verification and checks for the accuracy of WHOIS generally and for law enforcement and end users; security checks to detect risks of harm (eg phishing, malware, botnets etc); complaint mechanisms; verification and validation of Category 1 registrants' credentials and the lack of binding nature of the public interest commitments; operation of the Public Interest Commitment Dispute Resolution Procedure; and restricted registration policies (Category 2). These queries are set out in more detail in an Attachment to this communiqué.		The NGPC will provide written clarification to the GAC on the requested implementation issues.
Remaining Open Items of GAC Advice (Beijing, Durban, Buenos Aires)				
10. IOC/RC PROTECTION S	2013-07-18 – IOCRC (Durban Communiqué §5.a.i(sic))	The GAC advises the ICANN Board that the same complementary cost neutral mechanisms to be worked out for the protection of acronyms of IGOs be used to also protect the acronyms of the International Committee of the Red Cross (ICRC/CICR) and the International Federation of Red Cross and Red Crescent Societies (IFRC/FICR).		Refer to the update above regarding IGO Protections.

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11. CAT 2 SAFEGUARDS – EXCLUSIVE ACCESS	2013-04-11- Safeguards – Categories -2; 2013-11-20-Cat1- Cat2 (Beijing Communiqué Annex I, Category 2, Item 2; Buenos Aires Communiqué §1.e)	<p><u>Beijing</u>: For strings representing generic terms, exclusive registry access should serve a public interest goal. In the current round, the GAC has identified the following non-exhaustive list of strings that it considers to be generic terms, where the applicant is currently proposing to provide exclusive registry access: .antivirus, .app, .autoinsurance, .baby, .beauty, .blog, .book, .broker, .carinsurance, .cars, .cloud, .courses, .cpa, .cruise, .data, .dvr, .financialaid, .flowers, .food, .game, .grocery, .hair, .hotel, .hotels, .insurance, .jewelry, .mail, .makeup, .map, .mobile, .motorcycles, .movie, .music, .news, .phone, .salon, .search, .shop, .show, .skin, .song, .store, .tennis, .theater, .theatre, .tires, .tunes, .video, .watches, .weather, .yachts, .クラウド [cloud], .ストア [store], .セール [sale], .ファッション [fashion], .家電 [consumer electronics], .手表 [watches], .書籍 [book], .珠宝 [jewelry], .通販 [online shopping], .食品 [food]</p> <p><u>Buenos Aires</u>: The GAC welcomes the Board’s communication with applicants with regard to open and closed gTLDs, but seeks written clarification of how strings are identified as being generic.</p>	<p>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. An overwhelming majority of the applicants (174) indicated that the TLD would not be operated as an exclusive access registry. The NGPC adopted a resolution directing staff to move forward with the contracting process for applicants for strings identified in the Category 2 Safeguards that were prepared to enter into the Registry Agreement as approved, since moving forward with these applicants was consistent with the GAC’s advice.</p> <p>Twelve applicants responded that the TLD would be operated as an exclusive access registry. These 12 applicants have applied for the following strings: .BROKER, .CRUISE, .DATA, .DVR, .GROCERY, .MOBILE, .PHONE, .STORE, .THEATER, .THEATRE and .TIRES.</p> <p>The NGPC accepted the advice in the Buenos Aires Communiqué. As requested in in the Buenos Aires Communiqué, the NGPC has provided a written clarification to the GAC of how strings are identified as being generic.</p> <p>The NGPC is preparing an approach and timeline as a path forward to address the remaining 12 applications.</p>

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12. HALAL AND ISLAM	2103-04-11- Religious Terms; 2013-11-20- islam-halal (Beijing Communiqué §1.a.ii; Buenos Aires Communiqué §7)	<p>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.</p> <p>GAC took note of letters sent by the OIC and the ICANN Chairman in relation to the strings .islam and .halal. The GAC has previously provided advice in its Beijing Communiqué, when it concluded its discussions on these strings. The GAC Chair will respond to the OIC correspondence accordingly, noting the OIC's plans to hold a meeting in early December. The GAC chair will also respond to the ICANN Chair's correspondence in similar terms.</p>	<p>The NGPC adopted a resolution to accept this advice at its 4 June 2013 meeting. Pursuant to Section 3.1.ii of the AGB, the NGPC and some members of the GAC met during the ICANN 47 meeting in Durban to discuss the concerns about the applications.</p> <p>On 24 October 2013 decisions were posted in favor of the applicant on the community objections filed by the Telecommunications Regulatory Authority of the UAE.</p> <p>In a 4 November 2013 letter from the Organization of Islamic Cooperation (OIC) to the GAC Chair, the OIC requested that its letter be considered an “official opposition of the Member States of the OIC towards probable authorization by the GAC allowing the use of [...] .ISLAM and .HALAL by any entity not representing the collective voice of the Muslim people.”</p> <p>In a 11 November 2013 letter to the GAC Chair, the NGPC indicated that before it takes action on the strings, it will wait for any additional GAC input during the Buenos Aires meeting or resulting GAC Communiqué. The Buenos Aires Communiqué took note of the letters sent by the OIC, but did not offer any additional advice to the Board. The OIC also adopted a resolution in December 2013 communicating its official objection to the use of the applied-for .ISLAM and .HALAL TLDs.</p> <p>The NGPC takes note of the significant concerns expressed during the dialogue, and additional opposition raised, including by the OIC, which represents 1.6 billion members of the Muslim community. The NGPC has sent a letter to the applicant, which is available here <http://www.icann.org/en/news/correspondence/cker-to-abbasnia-07feb14-en.pdf>.</p>