



The **WALT DISNEY** Company

Reply Comments of The Walt Disney Company Regarding  
the Governmental Advisory Committee (GAC) New gTLD Safeguard Advice

June 4, 2013

The Walt Disney Company is pleased to respond to the request of the New gTLD Program Committee of the ICANN Board for comments on the advice provided by the Governmental Advisory Committee (GAC) regarding safeguards applicable to New gTLD strings. Specifically, we wish to express support for the comments of the [Coalition for Online Accountability](#) (COA), the [Motion Picture Association of America](#), and the [Family Online Safety Institute](#) (FOSI), among others, urging the adoption of the list of “Safeguards Applicable to all New gTLDs” included as a part of the GAC Advice.

The GAC plays a unique and important role in the rollout of the New gTLD Program, adding the needed perspective of a broad array of sovereign governments to the ICANN multi-stakeholder process. Its constructive engagement and detailed recommendations should be welcomed. Incorporation of its helpful substantive recommendations will not only increase the likelihood of broad community support for the new gTLD launch, but also the likelihood of success in meeting the stated objectives of promoting competition and enhancing consumer choice and trust in an expanded gTLD environment. This is particularly appropriate in policy-related areas such as safeguards for gTLD strings related to intellectual property and child safety, as those areas impact an array of government interests in promoting and safeguarding the interests of children, competition, creativity, innovation, and expression that go well beyond gTLD-specific issues.

The recommended safeguards applicable to all new gTLDs are sensible and important to help safeguard against abusive registrations that undermine the promise of the Internet by escalating harms related to child safety, security, privacy, IP theft, fraud, and other forms of abuse targeted at both consumers and mainstream commercial entities. Common-sense measures to root out deliberately false, inaccurate or incomplete registrant data, require terms of use that prohibit abusive practices by registrants, provide mechanisms for complaints of abuse to be made and acted upon, and ensure appropriate consequences when violations occur, all contribute to a more secure and trusted Internet environment in which legitimate commerce, creativity, and communication can thrive. Such safeguards are not novel, as many already appear in the revised Registrar Accreditation Agreement, and many gTLD applicants have already anticipated some similar safeguards in their applications. Moreover, each of these proposed safeguards is consistent with ICANN’s overall objective of promoting the security and stability of the Internet’s through its administration of the naming structure.

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Finally, it is important to note, as the GAC Advice does, that adherence to particular safeguards is especially important when dealing with certain sensitive strings that are at heightened risk of abuse and that invoke a level of implied trust from consumers. These include those related to children and those related to sectors dependent upon intellectual property (identified at p. 9 of the GAC Advice). The need to protect children against abusive online practices needs little explanation and can hardly be overstated. Sectors dependent upon intellectual property have long confronted widespread online infringement by Internet sites that are often consumer-focused, sophisticated in their design, and operated in a way that often leads to consumer confusion and harm to both the consumer and creators. Thus, whatever ICANN decides about the application of the GAC's basic safeguards to all gTLDs, it should at a very minimum require the application of these safeguards, as well as the additional safeguards identified on pp. 8-10 of the GAC Advice, to those strings identified as "sensitive" strings listed in Category 1 of Annex I.

We believe adoption of the GAC Advice need not materially delay the rollout process, and any reasonable delay incurred is justified by the public interest served. We encourage ICANN to work with the GAC and with applicants and interested community participants to integrate the substance of this advice into the remaining stages of the New gTLD process. As pointed out in the COA comments, it is important that in doing so ICANN ensures that these safeguards form a part of the contract between the applicant and ICANN, in order to provide a meaningful mechanism for oversight and enforcement.

Thank you for the opportunity to provide input in this process.

Respectfully Submitted,

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