

**GAC PRINCIPLES AND GUIDELINES ON PUBLIC POLICY ISSUES
REGARDING THE IMPLEMENTATION OF NEW gTLDs
(hereafter referred to as gTLD-principles)**

DRAFT VERSION #2 (17/10/06)

Preamble

- 1.1 The purpose of this document is to identify a set of general public policy principles related to the implementation of new generic top level domains (gTLDs), including sponsored top level domains, relevant to national governments. They are intended to inform the ICANN Board of the consensus views of the GAC regarding public policy issues regarding new gTLDs and to respond to the provisions of the WSIS declaration of 2005 which recognised “*the need for further development of, and strengthened cooperation among, stakeholders for public policies for generic top-level domains (gTLDs)*”.
- 1.2 These principles shall not prejudice the application of the principle of national sovereignty. The GAC has previously adopted the general principle that the Internet naming system is a public resource in the sense that its functions must be administered in the public or common interest. The WSIS Declaration of December 2003 also states that “*policy authority for Internet-related public policy issues is the sovereign right of States. They have rights and responsibilities for international Internet-related public policy issues.*”
- 1.3 For the purposes of this document, new gTLDs are defined as any gTLDs added to the Top Level Domain name space after the date of the adoption of these principles by the GAC.
- 1.4 In setting out the following principles, the GAC respects and takes full note of ICANN’s stated core values as set out in its by-laws:

a. Preserving and enhancing the operational stability, reliability, security, and global interoperability of the Internet.

b. Respecting the creativity, innovation, and flow of information made possible by the Internet by limiting ICANN’s activities to those matters within ICANN’s mission requiring or significantly benefiting from global coordination.

c. To the extent feasible and appropriate, delegating coordination functions to or recognizing the policy role of other responsible entities that reflect the interests of affected parties.

d. Seeking and supporting broad, informed participation reflecting the functional, geographic, and cultural diversity of the Internet at all levels of policy development and decision-making.

e. Where feasible and appropriate, depending on market mechanisms to promote and sustain a competitive environment.

f. Introducing and promoting competition in the registration of domain names where practicable and beneficial in the public interest.

g. Employing open and transparent policy development mechanisms that (i) promote well-informed decisions based on expert advice, and (ii) ensure that those entities most affected can assist in the policy development process.

h. Making decisions by applying documented policies neutrally and objectively, with integrity and fairness.

- i. Acting with a speed that is responsive to the needs of the Internet while, as part of the decision-making process, obtaining informed input from those entities most affected.*
- j. Remaining accountable to the Internet community through mechanisms that enhance ICANN's effectiveness.*
- k. While remaining rooted in the private sector, recognizing that governments and public authorities are responsible for public policy and duly taking into account governments' or public authorities' recommendations.*

1.5 The GAC also recalls Article XI, section 2, no. 1 h) of the ICANN Bylaws, stating that the ICANN Board shall notify the Chair of the Governmental Advisory Committee in a timely manner of any proposal raising public policy issues. Insofar, therefore, as these principles provide guidance on GAC views on the implementation of new gTLDs, they are not intended to substitute for the normal requirement for the ICANN Board to notify the GAC of any proposals for new gTLDs which raise public policy issues.

2. Public Policy Aspects of new gTLDs

When implementing new gTLDs, the following public policy principles need to be respected:

- 2.1 No new gTLD string shall promote hatred, racism, discrimination of any sort, criminal activity, or any abuse of specific religions or cultures.
- 2.2 Any new registry and/or operator for a new gTLD should undertake to implement best practice in relation to the operation of the TLD in order to ensure an appropriate level of security and stability both for the TLD itself and for the DNS as a whole.
- 2.3 The process of selection for new gTLDs should respect the principles of the WSIS process, in particular those related to the management of Internet resources and enunciated in the Geneva phase of the WSIS in December 2003:
 - a) The need for an equitable distribution of resources
 - b) The importance of international participation, taking into account multilingualism
 - c) The need to ensure a stable and secure functioning of the Internet
 - d) The importance of transparency
- 2.4 In order to address these objectives, it is therefore important that the selection process for new gTLDs promotes competition, consumer choice and geographical and service-provider diversity, in relation both to the string proposed and to the operator(s) of the proposed new gTLD.
- 2.6 Terms of national, cultural or religious significance should only be considered for the codes of new gTLDs where there is a clear and legitimate candidate “sponsor” for such an application and subject to no major objections from the community concerned.
- 2.7 Applicants should identify how they will limit the need for defensive registrations and minimise the problems of cyber-squatting, for example through the use of

appropriate registration policies and the use of established and proven alternative dispute resolution procedures.

- 2.8 In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs.
- 2.9 ICANN and a new gTLD operator/registry should establish clear continuity plans for maintaining the resolution of names in the domain name system in the event of registry failure.
- 2.10 Registrants in new gTLDs should have access to an independent appeals process whereby they can appeal Registry decisions related to pricing changes, renewal procedures, service levels, or the unilateral and significant change of contract conditions.
- 2.11 The evaluation and selection procedure for new gTLD registries should respect the principles of fairness, transparency and non-discrimination. All applicants for a new gTLD registry should therefore be evaluated against transparent and predictable criteria, fully available to the applicants prior to the initiation of the process. Normally, therefore, no subsequent additional selection criteria should be used in the selection process.
- 2.12 Each government should have the right, without cost, to reserve or block its geographical name(s) in its' official language(s) in any new gTLD. The introduction of new gTLDs using geographic identifiers should require the explicit approval of the relevant GAC members(s) and/or government(s).
- 2.13 If there is doubt about the interpretation of these provisions for specific applications, ICANN should consult the GAC, the relevant government(s) directly, and/or the responsible services of the UN. If the GAC or individual GAC members express formal concerns about a specific new gTLD application, ICANN should defer from proceeding with the said application until GAC concerns have been addressed to the GAC's or the respective government's satisfaction.

The public policy priorities for GAC members in relation to the introduction of Internationalised Domain Name TLDs (IDN TLDs) will be addressed separately by the GAC.