

Comments from Internet Society of China

I .Geographical Names

According to 2.2.1.4.1, various country names in ISO 3166-1 standard will be reserved in the first application round of new gTLD. It is considered that the new applications for gTLDs shall be filed in a prudent manner and the sub-national place and city geographical names shall also be protected. It is suggested that the further expansion of the protection scope of the geographical names in this application round, e.g., to exclude the capital city names, city names as well as sub-national place geographical names in ISO3166-2 standard in the first application round. As new applications for gTLDs are maturing, the protection scope of the geographical names can be then properly narrowed.

We suggest that the geographical names should be defined in a broader sense, and all gTLD strings containing the geographical names listed in ISO 3166-1 standard should also be considered geographical names.

Furthermore, there are some special cases in China where provinces, municipalities directly under the Central Government and autonomous regions all have full name and abbreviation

name. We suggest the abbreviation name be handled as the full name consistently.

II. Applicant's Background Check

According to the Background Check of DAG4, the background checks will be performed by a third-party firm. We are concerned about the standard and approach for selection of the third-party firm. ICANN must select a neutral, authoritative organization as a third party firm through wide community consultations. In order to avoid the question about the justness in the selection of a third party organization, it is suggested that an organization under the frame of UN be selected to undertake this job.

III. Criteria of MOPO

DAG stipulates four ways to raise objections. Currently, the global Internet community, including GAC, has different opinions about the relevant regulations on the morality and public order objections, especially DAG4's adjudication criterion that "the applied-for gTLD string is contrary to generally accepted legal norms of morality and public order that are recognized under international principles of law." Countries differ in legal identification of some matters for historical and cultural reasons. For instance, various countries have different

legal definitions of pornography. If the morality and public order is judged only by the principles of the international law, it is very likely to approve some gTLDs which conflict with laws of some countries, which is obviously unfair to such countries and even damages their national interests. Therefore, it is suggested that compliance with MOPO be determined according to both the principles of the international law and the laws of each sovereign state, which is very important.

IV. Neutrality of the Organization for MOPO and Community Objection Adjudication

DAG4 states that the ICC is the organization to adjudicate MOPO objections. Currently, the grounds for MOPO objections include incitement to or promotion of violent lawless action, incitement to or promotion of discrimination based upon race, color, gender, ethnicity, religion or national origin, incitement to or promotion of child pornography or other sexual abuse of children, a determination that an applied-for gTLD string would be contrary to equally generally accepted identified legal norms relating to morality and public order that are recognized under general principles of international law, etc. These areas obviously contravene the concern scope and expertise of a chamber of commerce. Hence, would the neutrality and global

representativeness of ICC be recognized by each country? In addition, the ICC is also responsible for adjudicating the community objection and by the same token, the same problem also exists.

It is considered that adjudication on MOPO and community objections involve a broad range of subjects and are of great significance. Thus, it would be unfair for a certain international organization in some business areas to perform adjudications; more representative and neutral organizations shall be selected or at least added to complete this job.

V. Objection Cost

As we have read in the DAG that all applicants must pay a fee of 185,000 US dollars for evaluation of gTLD; in addition, 70,000 to 122,000 US dollars and 32,000 to 56,000 US dollars are charged for MOPO objection and community objection respectively. As the Internet in the developing countries and undeveloped countries is still in its early days, such huge fees would definitely stifle the initiative of the developing countries and undeveloped countries to apply for new gTLDs, which can only offer the developed countries easier access to the Internet resources and dampen the globally balanced development of the Internet. It is expected that ICANN be able to set a fee standard

based on the costs and adopt a favorable fee policy to the developing countries and undeveloped countries.