

CONAC's Comments on DAG4

China Organizational Name Administration Center (CONAC) welcomes this opportunity to comment on *Draft Applicant Guide Book 4*. We believe that issues like trademark protection, applicant support, registrar cross-ownership and Whois have not yet been fully addressed in DAG4. To solve the problems, we propose to refine the gTLD clarification by introducing two gTLD categories under community-based gTLD, one for commercial use and the other for non-commercial use. For the two categories, differentiated polices and evaluation procedures should be applied.

1. Trademark Protection

In 5.4 “Implement start-up rights protection measures”, it says

The registry operator must implement, at a minimum, either a Sunrise period or a Trademark Claim Service during the start-up phases for registration in the TLD.

We believe such trademark protection measure is not feasible to all applicants. For instance, Chinese governmental organizations and public interest organizations are prohibited to practice any commercial-related activities. CONAC, as the registry for the domain names of Chinese governmental organizations and public interest organizations, must pre-check all the domain names before registration. In such case, there is no way for a

single brand name to be registered as a domain name in such categories. Thus it is of no valuable significance to utilize ICANN's compulsory policies like sunrise or trademark claim services to protect brand-owners' interest. Suppose we follow the rule in DAG4 by choosing the trademark claim services, we have to bear the cost of using Trademark Clearinghouse. It is inappropriate since we will not use the Trademark Clearinghouse data, and we seem to be forced to apply an ICANN policy which is inapplicable to us.

2. Applicant Support

CONAC welcomes the Board resolution 20 in Nairobi Meeting concerning "*Support for Applicants Requesting New gTLD Applicants*" and believes completed applicant support mechanism should be integrated in the DAG. CONAC proposes that applicants that are non-for-profit and the applied for TLDs are for the public good should be supported technically and financially, particularly for those from developing regions.

In terms of financial support, application, evaluation fees and annual contract fee shall be reduced. For proposed gTLD registries that are financially sponsored by certain government, ICANN may consider to accept the government's financial support commitment in replace of the irrevocable standby letter of credit or a deposit into an irrevocable cash escrow account, since government of some countries are reliable enough to

guarantee the sustainable operation of the registry(s). In addition, DNSSEC deployment is very costly and ICANN should do something to reduce the financial burden of these applicants and make the application more accessible to the global stakeholders.

Also, we propose that ICANN should provide document translations and conference simultaneous interpretations in six UN working languages, which may also help to reduce the cost of non-English speaking applicants.

As for technical support, we believe DNSSEC support is a necessity.

3. Restriction on Registrar Cross-Ownership

We look forward to the outcomes from ICANN's vertical integration working group, and we strongly believe that the exceptions are needed. It is not fair to force none vertical integration, especially for TLDs that are non-commercial and registrar-based, not only because it is an iniquitous policy to those experienced registrars who are capable of applying. We are here proposing an open market with full competition. The vertical integration somehow protects small registries who serve specific customer groups professionally (like government organs and public interest orgs). They may focus on perfecting the pre-check rules and procedures for registrants' equity and authority, rather than fight for their market share.

4. New Registry Agreement

In *Specification 4*, 1.7 of the New Registry Agreement, the data disclosed in Whois are in line with the thick model. Obviously, it is not applicable to TLDs for government and military use as the security of these whois data are of great importance and are not suitable to be fully disclosed. The best solution right now is to make some exceptions and make these WHOIS lookup service available to the public within proper range.

To improve the above inconsistency, we propose to refine the gTLD clarification by introducing two categories under the community-based gTLD, one for commercial use and the other for non-commercial use. Differentiated policies and evaluation procedures should be developed for non-commercial TLDs.

The evaluation procedure for non-commercial gTLDs should be simpler, since they may not involve in trademark protection issues. To the applicants of non-commercial gTLDs, ICANN shall provide more support financially, technically and linguistically, and shall give some exception in terms of vertical integration and Whois policies.

It seems that ICANN's one-size-fits-all policy can hardly accommodate the interest of all stakeholders. We believe the two sub-categories will simplify the management of new gTLDs and to some extent, accelerate evaluation pace. We know that GNSO

has Commercial and the Non-commercial Stakeholders Groups,
which perfectly matches the proposal.

We appreciate all the efforts made by ICANN, and are willing to
make our contributions to assist ICANN achieving the goal in
this regards. Thank you in advance for your consideration.

Sincerely,

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