



Comments of the IPC on the
New gTLD Board Committee Consideration of GAC Safeguard Advice
June 4, 2013

The Intellectual Property Constituency (IPC) of the Generic Names Supporting Organization (GNSO) welcomes the opportunity to comment on the Governmental Advisory Committee (GAC) Safeguards on New gTLDs contained in the GAC Beijing Communiqué, issued on April 11, 2013 (the “GAC Communiqué”).

In regard to the “Safeguards Applicable to All New gTLDs,” outlined on pages 7 and 8 of the GAC Communiqué, the IPC supports these, as they recognize the IPC’s long held position regarding the importance of ensuring consumer and intellectual property protection in the new gTLD program, and the inadequacy of current ICANN policies and procedures to effectively address the same.¹

The IPC supports terms of use for registrants that include prohibitions against false WHOIS information, the distribution of malware, operation of botnets, phishing, piracy, trademark infringement, copyright infringement, fraudulent or deceptive practices, and counterfeiting or otherwise engaging in activity contrary to applicable law. The IPC fully believes that there should be appropriate mechanisms for complaints at each Registry Operator, and adequate consequences for demonstrated violations of these prohibitions.

Therefore, the IPC supports the adoption and implementation of the Safeguards Applicable to All gTLDs. The majority of members believe these safeguards should be applicable to all new gTLDs prior to delegation in the current round of new gTLDs.

Some members of the IPC have however raised concerns over the timing and process by which the GAC’s Safeguard Advice was issued. Although these members support the Safeguards Applicable to All New gTLDs in principle, they believe that the proposed Safeguards cannot be considered “GAC Advice” as contemplated in the Applicant Guidebook because it is not directed at particular applications. These members believe that the content of the GAC Communiqué

¹ The Category 1 and Category 2 Safeguards components of the Safeguard Advice are not addressed in this comment.

may well be “advice” that the Board should consider, but that such consideration should occur through a Bylaws-prescribed Policy Development Process for application to all TLDs, and that delegation of new gTLDs should not be delayed as a result.

Thank you for considering our views on these important issues.

Respectfully submitted,

Intellectual Property Constituency (IPC)