

07 December 2023

RE: Community Consultation on Public Interest Commitments/Registry Voluntary Commitments

Ms. Ashley Heineman  
Chair  
Registrar Stakeholder Group

Dear Ashley Heineman:

As you may be aware, the ICANN Board [directed the ICANN organization \(org\)](#) to initiate a community consultation on Public Interest Commitments and Registry Voluntary Commitments (PICs/RVCs) related to the next round of the New gTLD Program. To ensure the community is aware of what to expect, and to complete the consultation expeditiously and avoid impact on the timeline to open the next round of applications for new gTLDs, we published a [blog](#) on 21 November 2023 to preview the next steps.

The consultation process will have three key components: 1) a community review of, and feedback on, a proposed implementation framework; 2) a community webinar to provide an overview of the proposed framework and an opportunity for initial community questions; and 3) a plenary session on PICs/RVCs at ICANN79 in March 2024.

**Action Requested:**

The ICANN Board kindly requests that RrSG:

1. Reviews the attached framework document, which proposes a path for implementing these commitments in the New gTLD Program: Next Round, and
2. Submits written input to questions related to the framework document using [this Google form](#) by **23 February 2024**.

The ICANN Board requests RrSG to submit written input to the questions related to the framework document by **23 February 2024** to support a plenary session on PICs/RVCs at ICANN79 Puerto Rico from 02-07 March 2024. The plenary session will provide an opportunity to discuss the community input received by this deadline and assess whether there is alignment in the implementation approach.

The Board understands that this timeline may be ambitious. Should RrSG require additional time, the Board kindly requests your submission be received no later than 31 March 2024.

Finally, as noted in the blog published on 21 November 2023, you are cordially invited to attend the webinar on the PICs/RVCs community consultation on **18 December 2023 at 19:00-20:30 UTC**. Please find the participation details [here](#).

Thank you for your contribution to this important topic. We look forward to receiving your written input and having a productive plenary session at ICANN79.

Sincerely,



Tripti Sinha  
Chair, ICANN Board of Directors

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## ICANN Board - Community Consultation

### Implementation Framework for Content-Related Registry Commitments in the New gTLD Program: Next Round

5 December 2023

#### **Introduction**

The [ICANN Bylaws](#), as amended in 2016 as part of the [IANA Stewardship Transition](#), state that “ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet’s unique identifiers or the content that such services carry or provide...[.]”<sup>1</sup> The Bylaws also recognize, notwithstanding this prohibition, that “ICANN shall have the ability to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission.”<sup>2</sup>

There appears to be a tension between the ICANN Bylaws and the New gTLD Subsequent Procedures (SubPro) PDP Working Group [policy recommendations for the New gTLD Program: Next Round](#). The recommendations envision that, as in the 2012 round of the New gTLD Program, applicants may propose commitments during the application and contracting processes to restrict certain contents or activities within the applied-for gTLD string. These commitments include Public Interest Commitments (PICs), Registry Voluntary Commitments (RVCs), and commitments related to proposed community gTLD strings.<sup>3</sup> The working group recommended that these commitments be included in the applicable Registry Agreements if the applied-for gTLD proceeds to delegation.

In its [30 September 2020 comments](#) on the new gTLD Subsequent Procedures PDP Working Group’s draft final report, the Board expressed concern about these recommendations. Because the Bylaws specifically limit ICANN’s negotiating and contracting power to PICs that are “in service of its Mission”, the Board cautioned that the current Bylaws language would create issues for ICANN to enter into and enforce registry commitments that relate to content in the New gTLD Program: Next Round.

In its Final Report, the working group said it understood that reflecting commitments voluntarily made by new gTLD applicants in the Registry Agreements, even if such commitments fall outside of ICANN’s core mission, is consistent with the Bylaws so long as neither ICANN nor any third party under ICANN’s control is required to pass judgment on content. The working group also expressed a view that the inclusion of PICs from the 2012 round in future Registry Agreements is permitted under the Bylaws.

The ICANN Board [accepted the recommendations pertaining to content-related commitments](#) based on the GNSO’s clarification that such commitments must be enforceable under the

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<sup>1</sup> See ICANN Bylaws, at Article 1, Section 1.1(c), <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>.

<sup>2</sup> See ICANN Bylaws, at Article 1, Section 1.1(d)(iv).

<sup>3</sup> Discussion of content-related registry commitments has primarily focused on PICs and RVCs, but community gTLD commitments raise issues similar to PICs/RVCs when the commitments relate, or could be argued to relate, to the contents within the applied-for gTLD string (see, generally, SubPro Recommendations and implementation guidance concerning community gTLDs, at [Topic 34 of the Final Report](#)).

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Bylaws and as a practicable matter. The Board further noted that community consultation is needed to understand the scope of that enforceability. The co-chairs of the ICANN Board SubPro Caucus Group alerted the community in a [21 November 2023 blog](#) that this consultation would be launched in December 2023.

### **Request for Community Input**

If the community supports ICANN's role in enforcement of content-related commitments, the Board notes that the Bylaws will likely need to be updated. The Board is therefore opening this community consultation to confirm the intended scope of the enforceability of content-related commitments within contracts for new gTLDs.

In particular, the Board seeks to understand the following:

**Consultation Topic 1:** Will ICANN's proposed framework for implementing content-related registry commitments in the New gTLD Program: Next Round, including the proposed limited enforcement role for ICANN, result in effective, meaningful, enforceable commitments in Next Round Registry Agreements?

This framework and example use-cases are set out below. Should any changes be made to this framework to ensure the implementation of these commitments results in effective, meaningful, and enforceable commitments in future Registry Agreements?

Specific questions for consultation topic 1 [are included in Appendix 1](#) to this memo.

**Consultation Topic 2:** The proposed implementation framework would limit ICANN's direct involvement in restricting content within gTLDs. However, implementation of the content-related commitments recommended by the policy development process working group<sup>4</sup> could still place ICANN in a position of enforcing contract requirements that have the effect of restricting content in gTLDs. This creates a risk of successful challenges asserting that content-related commitments in future Registry Agreements are beyond the scope of ICANN's Mission.

Further, there are political, practical, and reputational risks associated with ICANN negotiating and entering into contract provisions that have the effect of restricting content in gTLDs.

The Board is interested in understanding whether the ICANN community supports ICANN's enforcement of contractual terms that could be argued to regulate content in gTLDs. The Board seeks the community's feedback, in particular, on whether there are any types of content restrictions that could be proposed by a new gTLD applicant in the Next Round that ICANN should not accept or for which ICANN should not be involved in enforcement. To help inform the community's deliberations on this issue, ICANN org has provided examples of content-related commitments that were included in 2012 round Registry Agreements in [Appendix 2](#).

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<sup>4</sup> The recommended commitments that are relevant to this consultation are Public Interest Commitments (PICs) and Registry Voluntary Commitments (RVCs), see Subpro Recommendation Topic 9, and recommendations pertaining to Community Applications (see Topic 34), in the Final Report, <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgTld-subsequent-procedures-pdp-02feb21-en.pdf>.

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If the community supports ICANN's role in enforcement of content-related commitments, the Board notes that the Bylaws will likely need to be updated to remove the tension and ambiguity described here. The Board seeks feedback on whether the community supports making such clarification within the Bylaws.

Specific questions for consultation topic 2 are included in [Appendix 1 to this memo](#).

### **Actions Requested**

The ICANN Board requests that your group share its views by answering the questions at the end of this call for input. Please provide your input using [this Google form](#) to facilitate analysis and comparison of answers across the community.

The Board requests your group's input by 23 February 2024, in preparation for a plenary session on this topic during ICANN79 (2–7 March 2024 in Puerto Rico). Please submit inputs prior to ICANN79 to ensure a productive and engaging community dialogue.

Final inputs must be submitted by 31 March 2024. After the final 31 March 2024 deadline for submissions, the Board will identify next steps.

### **Background**

The ICANN Board adopted the remaining Consensus Policy recommendations that are relevant to this consultation [on 26 October 2023](#). The Board took its action to adopt the recommendations in recognition of the GNSO Council's second [Clarifying Statement](#) approved [by the GNSO Council 16 October 2023](#).

Because the recommendations contemplate that next-round Registry Agreements will include commitments similar to those made in the 2012 round of the New gTLD Program, it would be helpful to first revisit the content-related commitments made during the 2012 round before considering what, if any, changes should be made to the approach to implementing these commitments in the New gTLD Program: Next Round.

### **2012 Round Commitments**

In the 2012 round of the New gTLD Program, four types of registry commitments that could relate to content in gTLDs were incorporated into the New gTLD Registry Agreements:

- Mandatory public interest commitments (or PICs) for all new gTLDs. These were the result of Governmental Advisory Committee (GAC) Advice concerning new gTLDs.<sup>5</sup>
- Safeguard PICs, which were required for gTLDs identified as pertaining to sensitive or regulated industries and also the product of GAC Advice.<sup>6</sup>
- Voluntary PICs, which were implemented on an ad hoc basis by incorporating statements and commitments made by individual applicants in their new gTLD applications into the relevant Registry Agreements.
- Community gTLD commitments related to registration eligibility restrictions and the content to be distributed in the community gTLD.

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<sup>5</sup> See Base gTLD Registry Agreement, Specification 11, at Section 3(a) - (d), <https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.pdf>.

<sup>6</sup> See list of Category 1 safeguard Public Interest Commitments in Annex 2 of New gTLD Program Committee 18 October 2015 Scorecard at <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>.

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Mandatory and safeguard PICs are uniform across the relevant Registry Agreements, but voluntary PICs in Registry Agreements vary widely. Further, many voluntary PICs from the 2012 round permit the registry operator to change or eliminate their commitments at the registry operator's discretion.

Like the voluntary PICs, community gTLD commitments vary significantly from registry to registry. The criteria for evaluating proposed community registries during the community priority evaluation in the 2012 round included an evaluation of the strength of the applicants' proposed content restrictions.<sup>7</sup> In order to score a point on this evaluation criterion, the applicants' proposed "Content and Use" for the proposed gTLD were required to meet the following threshold: "*Policies include rules for content and use consistent with the articulated community-based purpose of the applied-for gTLD.*" [Appendix 2](#) to this memo includes examples of commitments that were entered into in the 2012 round, to help inform the community's consideration of any limitations that should be placed on commitments that are implemented in the New gTLD Program: Next Round.

The broad variability between and among voluntary PICs and community TLD commitments entered into during the 2012 round could make the commitments difficult to manage from a contract administration perspective and also challenging to enforce. Nevertheless, there have been only two complaints concerning 2012 round PICs [referred to a Public Interest Commitment Dispute Resolution Procedure \(PICDRP\) panel](#), and there have been no published decisions under the [Registration Restrictions Dispute Resolution Procedure \(RRDRP\)](#) concerning registries' community commitments. It is unclear whether this is because there are, in reality, few concerns or complaints about individual registries' implementation of such commitments, or whether this reflects an issue with the commitments and dispute-resolution processes themselves.

#### Consensus Policy Recommendations Concerning Content-Related Commitments<sup>8</sup>

The working group recommended that mandatory PICs included in Specification 11, Section 3(a)-(d) of the Registry Agreement in the 2012 round must continue to be included in Next Round Registry Agreements.<sup>9</sup> The working group also recommended that ICANN establish a process to determine if an applied-for string falls into one of four groups defined in the 2012 round as being applicable to highly sensitive or regulated industries.<sup>10</sup> If an applied-for gTLD string falls into one of the four groups, the working group recommended that relevant PICs also must be included in the Registry Agreement.<sup>11</sup>

In addition to the continued usage of PICs in the Next Round, the working group recommended that ICANN permit applicants to submit what it called "Registry Voluntary Commitments" in their applications, or to respond to public comments, objections, GAC early warnings, GAC Advice, and/or other comments from the GAC.<sup>12</sup> These commitments are comparable to the voluntary

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<sup>7</sup> See Community Priority Evaluation Guidelines, Criterion 3-C, at p. 13.

<sup>8</sup> The recommendations referenced in this section are included in the SubPro Final Report, at <https://gnso.icann.org/sites/default/files/file/field-file-attach/final-report-newgtld-subsequent-procedures-pdp-02feb21-en.pdf>.

<sup>9</sup> See [Recommendation 9.1](#).

<sup>10</sup> See [Recommendation 9.4](#).

<sup>11</sup> See [Recommendation 9.8](#).

<sup>12</sup> See [Recommendation 9.9](#).

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PICs from the 2012 round. The working group recommended that these commitments also must be included in the applicable Registry Agreements.<sup>13</sup>

### **GAC Concerns Related to Enforcement**

In its [comments on the Subsequent Procedures final outputs](#), the Governmental Advisory Committee (GAC) recalled “*persistent GAC concerns regarding both the weak implementation of PICs applicable to gTLDs in highly-regulated sectors and the lack of clarity and effectiveness of the mechanism to enforce disputes (the Public Interest Commitments Dispute Resolution Process or PICDRP) ...[.]*” The GAC recommended that these issues be remedied in any subsequent rounds.

The GAC further noted that any future voluntary and mandatory public interest commitments need to be enforceable through clear contractual obligations, and that consequences for the failure to meet those obligations should be specified in the relevant agreements with the contracted parties.<sup>14</sup>

### **Changes to ICANN Bylaws Could Impact Future Content-Related Commitments**

After the launch of the 2012 round of the New gTLD Program, and as part of the 2016 [IANA Stewardship Transition](#), the ICANN Board adopted new Bylaws that provided greater specificity regarding the scope of ICANN’s Mission. Of particular relevance to content-related commitments in future Registry Agreements, the updated Bylaws<sup>15</sup> state at Article 1, Section 1.1 that:

- (c) *ICANN shall not regulate (i.e., impose rules and restrictions on) services that use the Internet’s unique identifiers or the content that such services carry or provide, outside the express scope of Section 1.1(a). For the avoidance of doubt, ICANN does not hold any governmentally authorized regulatory authority.*
- (d) *For the avoidance of doubt and notwithstanding the foregoing:*
  - (i) *the foregoing prohibitions are not intended to limit ICANN’s authority or ability to adopt or implement policies or procedures that take into account the use of domain names as natural-language identifiers;*
  - (ii) *Notwithstanding any provision of the Bylaws to the contrary, the terms and conditions of the documents listed in subsections (A) through (C) below, and ICANN’s performance of its obligations or duties thereunder, may not be challenged by any party in any proceeding against, or process involving, ICANN (including a request for reconsideration or an independent review process pursuant to Article 4) on the basis that such terms and conditions conflict with, or are in violation of, ICANN’s Mission or otherwise*

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<sup>13</sup> See [Recommendation 9.10](#).

<sup>14</sup> See GAC Comment, 1 June 2021, at p. 3, [https://gac.icann.org/statement/public/gac-comment-\(final\)-subpro-final-outputs-for-icann-board-consideration.pdf](https://gac.icann.org/statement/public/gac-comment-(final)-subpro-final-outputs-for-icann-board-consideration.pdf).

<sup>15</sup> See current version of the [ICANN Bylaws](#), as amended 11 October 2023, at <https://www.icann.org/resources/pages/governance/bylaws-en/#article1>.

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*exceed the scope of ICANN's authority or powers pursuant to these Bylaws ("Bylaws") or ICANN's Articles of Incorporation ("Articles of Incorporation"):*

*(A)*

*(1) all registry agreements and registrar accreditation agreements between ICANN and registry operators or registrars in force on 1 October 2016 [1], including, in each case, any terms or conditions therein that are not contained in the underlying form of registry agreement and registrar accreditation agreement;*

*(2) any registry agreement or registrar accreditation agreement not encompassed by (1) above to the extent its terms do not vary materially from the form of registry agreement or registrar accreditation agreement that existed on 1 October 2016;*

*(B) any renewals of agreements described in subsection (A) pursuant to their terms and conditions for renewal; and*

*(C) ICANN's Five-Year Strategic Plan and Five-Year Operating Plan existing on 10 March 2016.*

*(iii) Section 1.1(d)(ii) does not limit the ability of a party to any agreement described therein to challenge any provision of such agreement on any other basis, including the other party's interpretation of the provision, in any proceeding or process involving ICANN.*

*(iv) ICANN shall have the ability to negotiate, enter into and enforce agreements, including public interest commitments, with any party in service of its Mission.*

In its [30 September 2020 comments](#) on the new gTLD Subsequent Procedures PDP Working Group's draft final report, the Board noted that as part of the restatement of ICANN's mission as reflected in the post-IANA Stewardship Transition Bylaws, the current form of the Registry Agreements were explicitly excluded from challenge on grounds that they exceeded ICANN's Mission. *"This exclusion was brought about in large part by concerns by some in the community that some of the PICs within the Registry Agreements were outside ICANN's technical mission,"* the Board observed. While the community did not wish to invalidate these existing contracts through the revised mission statement, the Board cautioned the working group that the language of the Bylaws could preclude ICANN from entering into future Registry Agreements that include PICs that reach outside of ICANN's technical mission if the Registry Agreements materially differ in form from the 2012 round base Registry Agreement. Because the Bylaws specifically limit ICANN's negotiating and contracting power to PICs that are "in service of its

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Mission” the Board said it was concerned that the current Bylaws language would create issues for ICANN to enter into and enforce registry commitments that relate to content. The Board [reiterated these concerns in its 16 March 2023](#) resolution designating the relevant recommendations as “pending.”

### **Framework Would Reduce, But Not Eliminate, Risks of Content-Related Commitments**

In light of the current Bylaws language, ICANN’s implementation of content-related registry commitments in the Next Round Registry Agreements creates a risk of challenges asserting that such commitments exceed the scope of ICANN’s Mission. It is unclear how this risk could be mitigated without a Bylaws amendment.

The GNSO, in developing and adopting Consensus Policy recommendations that direct ICANN to enter into content-related commitments with registry operators in the Next Round, made clear that the GNSO wants prospective registry operators to be able to make commitments to ICANN related to the content within their applied-for gTLDs, and also expects ICANN to enforce those commitments by including them in the applicable Registry Agreements. To address the tension between this clear recommendation from the GNSO and ambiguities under the ICANN Bylaws, the implementation framework proposed for consultation attempts to mitigate the risk of Mission-related challenges by recommending that content-related commitments focus on a registry operator’s process for implementing any content restrictions proposed by the prospective registry operator.

The framework, set out in detail below, proposes that applicants identify clear, objective procedures for a registry operator to implement and enforce any content-related restrictions the applicant plans to implement within its applied-for gTLD. Under this framework, ICANN’s enforcement function would be limited to ensuring that the registry operators implement any processes committed to in their Registry Agreements, as opposed to placing ICANN in a position of oversight related to content at the enforcement stage.

However, a question not yet addressed in the framework relates to the scope of ICANN’s authority to reject certain types of proposed commitments, even if the other portions of the framework are met. Even if ICANN’s enforcement role is limited to taking enforcement action when a third party determines that a registry operator has not complied with its content-related commitments, at the outset ICANN will be placed in a position of deciding whether or not to accept each proposed content-related commitment for inclusion in the applicable Registry Agreements. If ICANN accepts some, but not all, proposed content-related commitments, ICANN could be perceived as making biased decisions concerning content in gTLDs. The policy recommendations do not provide any guidance on potential community-supported limitations on content-related restrictions that could be included within future Registry Agreements. Without clear direction from the community, ICANN will be placed in a position of needing to make its own determination regarding whether or not each proposed content-related commitment is acceptable for inclusion in a Registry Agreement, which raises different reputational questions challenging ICANN’s broader ability to serve its mandate.

### **Risks of Successful Challenge**

This framework—or any framework for implementing content restrictions in gTLDs—cannot eliminate a risk of challenges asserting that such commitments exceed the scope of ICANN’s Mission. Parties could still argue that the commitments have the effect of ICANN regulating content and, on that basis, exceed the scope of ICANN’s Mission. It is critical that the community understands the risks that these commitments will create and consider whether



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steps should be taken to protect ICANN's ability to enter into and enforce such commitments going forward.

If content-related commitments in Registry Agreements were challenged through ICANN's Independent Review Process, an Independent Review Panel would be asked to consider questions related to the scope of ICANN's Mission as it relates to Registry Agreements. The results of such proceedings could be unpredictable, and could result in determinations about ICANN's Mission as it relates to Registry Agreements by a three-member panel that may not be aligned with the views of the ICANN community. These determinations could have far-reaching consequences.

For example, an IRP panel could conclude that any commitments in Registry Agreements that relate to the contents within a gTLD exceed the scope of ICANN's Mission as it relates to Registry Agreements. This could result in an inability for ICANN to enforce these commitments in its agreements with registry operators.

If ICANN is unable to enforce these commitments, that could leave ICANN unable to implement portions of the policy that are reliant on the use of contractual commitments relating to content within gTLDs, and therefore unable to further implement the full scope of policy recommendations as delivered and approved. As some of these commitments are how GAC Advice has been and will continue to be addressed, if ICANN is found to be acting in violation of its Bylaws through implementing such commitments, ICANN might not be able to continue to act in alignment with GAC Advice. These issues would impact contracts already in existence, and not just future contracts, impacting all who rely on these commitments.

By addressing this issue now before ICANN receives, evaluates, and acts on applications that intend to rely on content-related commitments in the New gTLD Program: Next Round, ICANN along with the community has the opportunity to reach consensus on the appropriate scope of usage of such commitments, and to amend the Bylaws to support that intended usage.

### **Next Steps**

The Board will consider the inputs to this consultation and provide any additional direction to ICANN org that may be necessary as a result of the community's viewpoints. In addition, the Board could consider pursuing one or more additional Bylaws to protect ICANN's ability to enter into these types of content-related commitments recommended by the SubPro PDP Working Group.

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## **Consultation Topic 1**

### **Proposed Implementation Framework for Content-Related Registry Commitments**

For the reasons stated above, ICANN org has developed a proposed framework for the implementation of registry commitments that relate to content in the New gTLD Program: Next Round. An overview of the draft framework is provided below, and specific questions concerning this framework are included [in Appendix 1](#).

ICANN's enforcement role with respect to content-related Public Interest Commitments, Registry Voluntary Commitments, and community gTLD commitments will be limited to taking contractual enforcement measures if the registry operator does not establish, implement, or enforce its process as committed in its Registry Agreement.<sup>16</sup> To improve upon the approach to content-related commitments implemented in the 2012 round, Public Interest Commitments, Registry Voluntary Commitments, and content-related commitments for community gTLDs in the Next Round could be implemented using the framework below.

Please note one key difference between this proposed framework and the approach taken in the 2012 round of the New gTLD Program: This framework would require all applicants who propose to enter into RVCs and/or community gTLD commitments to include a detailed process for enforcement of such commitments in their Registry Agreements. This framework would require the applicant to engage, at the registry operator's own expense, an independent third party to periodically audit their compliance with any content-related commitments and certify such compliance to ICANN. This third party must be identified when the commitment is proposed for evaluation, and is subject to approval by ICANN during the evaluation process.

#### **A. Public Interest Commitments**

- a. Mandatory Public Interest Commitments from the 2012 round, applicable to all gTLDs, will be included in all Registry Agreements, as recommended by the SubPro Policy Recommendation 9.1.<sup>17</sup>
- b. [2012 round safeguard Public Interest Commitments](#)<sup>18</sup> will be implemented for applied-for gTLD strings falling into one of the four groups previously defined by the New gTLD Program Committee framework for strings deemed to be applicable to highly sensitive or regulated industries, as recommended in Policy Recommendation 9.4.<sup>19</sup> Applications will be assessed after the Community Action

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<sup>16</sup> Section 4.3(e) of the [base RA](#) permits ICANN to terminate the RA pursuant to a determination by any PDDRP or RRDRP panel.

<sup>17</sup> In the 2012 round, the Board adopted the [New gTLD Program Committee's proposal](#) to implement GAC Advice calling for the implementation of six safeguards in all new gTLDs, namely: WHOIS verification and checks; mitigating abusive activity; security checks; documentation concerning inaccurate WHOIS records; implementation of a complaint mechanism for malicious activity; and implementation of consequences for registrants who engage in abuse and other activities. These were implemented in Specification 11 of the base registry agreement as mandatory PICs for all gTLDs.

<sup>18</sup> In addition to the mandatory PICs, additional "safeguard" PICs for strings related to regulated and highly regulated industries and other sensitive strings [were required in the 2012 round](#).

<sup>19</sup> Recommendation 9.4 calls for the establishment of a process to determine if an applied-for string falls into one of the four groups for new gTLD strings deemed to be applicable to highly sensitive or regulated industries. Further implementation guidance 9.5 recommends that applicants should be permitted to choose to self-identify if they

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Period to determine whether a string is applicable to highly sensitive or regulated industries.

**B. Registry Voluntary Commitments**

- a. ICANN will permit applicants to submit Registry Voluntary Commitments as recommended by Policy Recommendation 9.9 in their applications for evaluation.<sup>20</sup>
- b. Applicants may also propose Registry Voluntary Commitments in response to comments, objections, and early warnings submitted during the Community Action Period, or at any other time prior to the execution of the Registry Agreement. However, any commitments proposed after the application submission date will be considered Application Changes and subject to operational requirements for such changes, for example, an operational comment period.<sup>21</sup>
- c. Requirements for applicant-proposed commitments:
  - i. Each proposed commitment will be evaluated to determine whether the applicant has proposed a clear, objective, process-oriented approach for implementing and administering any specific restrictions or requirements within the proposed gTLD.
  - ii. Applicants must engage an independent third party, which must be approved by ICANN, to periodically audit their compliance with any content-related commitments and certify such compliance to ICANN. This third party must be identified when the commitment is proposed for evaluation.
  - iii. Registry Voluntary Commitments may be limited in time, duration, and/or scope as recommended in [Recommendation 9.12](#). Any limitations on the commitment must be clearly set out in the proposed commitment, using objective criteria that identify relevant triggers (e.g. timing) for the commitment, for transparency and enforcement.
- d. If the commitment passes the evaluation, as-proposed or with modifications agreed between the applicant and ICANN, the commitment will be included in the applicant's Registry Agreement if the string is delegated.

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believe their string falls into one of the four groups. Implementation guidance 9.6 recommends that an evaluation panel should be established to determine whether an applied for gTLD string falls into one or more of the safeguards categories.

<sup>20</sup> Concerns have been raised by some within the ICANN community that the description/name of these commitments may wrongfully create an impression that such commitments are not enforceable, because they were referred to as "Registry Voluntary Commitments" in the policy recommendations. As a result, in the implementation process, it is possible that the name of such commitments should be changed to better reflect what these commitments are intended to be: commitments entered into by a registry operator that are specific to the applied-for gTLD string.

<sup>21</sup> See Recommendation 9.9: ICANN must allow applicants to submit Registry Voluntary Commitments in their applications or to respond to public comments, objections, whether formal or informal, GAC Early Warnings, GAC Consensus Advice, and/or other comments from the GAC. Applicants must be able to submit RVCs at any time prior to the execution of a Registry Agreement provided, however, that all RVCs submitted after the application submission date shall be considered Application Changes and be subject to the recommendation set forth under topic 20: Application Changes Requests, including, but not limited to, an operational comment period in accordance with ICANN's standard procedures and timeframes.

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- e. Both the applicant and ICANN must agree that a commitment is enforceable in order for the commitment to be approved for inclusion in the applicable Registry Agreement.<sup>22</sup>
  - f. If ICANN and the applicant cannot agree on the specific wording for a proposed commitment during the evaluation process, the commitment would not be approved.<sup>23</sup>
  - g. Any future modifications to the Registry Voluntary Commitments in the Registry Agreement must be implemented via an amendment to the applicable Registry Agreement. Amendments that are material to ICANN are subject to Board review, and in some cases ICANN might request public comment to inform a decision on whether to allow the proposed change.<sup>24</sup>
- C. Enforcement of Public Interest Commitments and Registry Voluntary Commitments: Public Interest Commitments and Registry Voluntary Commitments will be enforceable by ICANN and may utilize the [Public Interest Commitment Dispute-Resolution Process \(PICDRP\)](#). The PICDRP may be modified from the last round during implementation of the Next Round (See SubPro Recommendation 31.17).<sup>25</sup>
- D. Community gTLD Commitments
- a. Applicants who elect to designate themselves as a “community” applicant must propose community-specific commitments in their applications for the proposed string, including possible restrictions on use and content, as in the 2012 round.
    - i. Unlike in the 2012 round, these community-specific commitments will be evaluated regardless of whether or not the applicant proceeds to community priority evaluation as a result of string contention.
    - ii. These commitments would be subject to the same evaluation framework as the Registry Voluntary Commitments set out in Section B above.

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<sup>22</sup> See [5 October 2023 GNSO Council Clarifying Statement](#): “In respect of RVCs, both ICANN org and the applicant must agree that a proffered commitment is clear, detailed, mutually understood, and sufficiently objective and measurable as to be enforceable.”

<sup>23</sup> One of the questions posed for community consultation is what should happen if an applicant proposes a registry-specific commitment but the commitment cannot be agreed between the applicant and ICANN. Should the application be permitted to proceed without the proposed commitment, or should the application be rejected?

<sup>24</sup> In 2018, ICANN published the Procedure for Community gTLD Change Requests, which was developed by the Community gTLD Change Request Process Working Group and ICANN org with input from the Registries Stakeholder Group and the ICANN Community. The procedure provides a path for registry operators to seek ICANN’s approval to modify community registration policies in Specification 12 of community gTLD Registry Agreements. This process could be utilized, as-is or with modifications, for registry-specific commitments included in future Registry Agreements.

<sup>25</sup> Recommendation 31.17: “To the extent that RVCs are used to resolve a formal objection either (a) as a settlement between the objector(s) and the applicant(s) or (b) as a remedy ordered by an applicable dispute panelist, those RVCs must be included in the applicable applicant(s) Registry Agreement(s) as binding contractual commitments enforceable by ICANN through the PICDRP.” ICANN org notes that if this recommendation is adopted by the Board, updates to the PICDRP and detailed implementation guidance may be required to effect this result.

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- b. The community-specific commitments will be evaluated and must be agreed between the applicant and ICANN before any Community Priority Evaluation occurs.
  - c. If the proposed community gTLD commitment does not pass the evaluation, it would not be counted for scoring as part of the Community Priority Evaluation and could not be included in the Registry Agreement if the application proceeds to delegation.
  - d. If the commitment passes the evaluation, as-is or with modifications agreed between the applicant and ICANN during the evaluation process, the commitment will be included in Specification 12 of the relevant Registry Agreement.
  - e. Any future additions or modifications to the community gTLD commitments included in the Registry Agreement must be implemented via an amendment to the applicable Registry Agreement, per the [Procedure for Community gTLD Change Requests](#)
- E. Community gTLD commitments will be enforced by ICANN and via the [Registry Restrictions Dispute Resolution Procedure \(RRDRP\)](#) (which may be modified by ICANN during implementation of the New gTLD Program: Next Round).

### Example Use-Cases

The below use-cases show how the implementation framework could be applied in two scenarios. Under this proposed framework, each of the identified paths would be an acceptable resolution to the content-related issues that arose during the application process.

Scenario A: An applicant applies for the .backyardchickens gTLD. A Governmental Advisory Committee (GAC) member issues an early warning, expressing concern that it would be contrary to the public interest for domain names within a .backyardchickens gTLD to distribute content related to roosters, because in many jurisdictions female chickens (hens) are permitted as backyard animals, but male chickens (roosters) are not. In the view of the GAC member, only content related to hens should be permitted within the gTLD, and content related to roosters must be prohibited.

1. **Path 1:** The applicant proposes to incorporate commitments comparable to the standard safeguard Public Interest Commitments into its Registry Agreement. The applicant and ICANN agree that one or more of the standard safeguard PICs could be implemented, eliminating a need to create customized commitments for the applied-for gTLD string.<sup>26</sup>
2. **Path 2:** Applicant proposes to implement and enforce an acceptable use policy for registrants and include the following commitments in its Registry Agreement:

*Registry Operator will include a provision in its Registry-Registrar Agreements that requires Registrars to include in Registration Agreements a provision requiring registrants to comply with the registry's Acceptable Use Policy, which*

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<sup>26</sup> For example, [safeguard PICs](#) 1, 2, 4, 5, 6, 7, and 8 could be applied in this scenario.

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*must prohibit the registration and use of domains within the TLD to distribute content concerning roosters, and the registry's Acceptable Use Policy enforcement program [to be proposed by the registry during the application process and set out in detail in the Registry Agreement].*

3. **Path 3:** The applicant consults with the GAC member who issued the early warning and identifies a resolution to the GAC member's concern that does not require a specific commitment in the Registry Agreement.

**Scenario B:** An applicant submits an application for the .pinto string, with a plan to market the TLD to farmers and distributors of pinto beans, as well as pinto bean enthusiasts. A trademark holder files a legal rights objection, on the grounds that the applied-for string infringes the objector's existing legal rights in the "Pinto" trademark. The applicant and the trademark holder reach an agreement that if the applicant agrees to certain commitments to protect the mark, the trademark holder will withdraw the objection.

1. **Path 1:** The applicant proposes to incorporate commitments comparable to the standard safeguard Public Interest Commitments into its Registry Agreement. The applicant and ICANN agree that one or more of the standard safeguard PICs could be implemented, eliminating a need to create customized commitments for the applied-for gTLD string.<sup>27</sup>
2. **Path 2:** Applicant proposes to include the following commitments in its Registry Agreement:<sup>28</sup>
  - a. Registry Operator will periodically conduct a technical analysis to assess whether domains in the TLD are being used to infringe the "Pinto" trademark.
  - b. Registry Operator will proactively create a clear pathway for the creation of a working relationship with the holder of the "Pinto" trademark by inviting the trademark holder to establish a channel of communication, including for the purpose of facilitating the development of a strategy to mitigate the risks of infringement of the "Pinto" trademark in the .pinto gTLD.
  - c. Registry Operator will include a provision in its Registry-Registrar Agreements that requires Registrars to include in their Registration Agreements a provision requiring Registrants to provide administrative contact information, which must be kept up-to-date, for the notification of complaints of trademark infringement.
3. **Path 3:** Applicant proposes to implement and enforce an Acceptable Use Policy via the following commitment:

Registry Operator will include a provision in its Registry-Registrar Agreements that requires Registrars to include in Registration Agreements a provision requiring registrants to comply with the registry's Acceptable Use Policy, which must prohibit the distribution of content within the TLD that infringes the "Pinto" trademark.

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<sup>27</sup> For example, [safeguard PICs 1 and 2](#) could be implemented in this scenario.

<sup>28</sup> These commitments are modeled on the safeguard PICs, but customized to address the specific issue in the applied-for gTLD string.

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4. **Path 4:** The applicant and trademark holder reach an agreement on a mechanism to resolve the concern that does not require any additional commitments in the Registry Agreement.

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## **Appendix 1: Questions for Community Consultation**

**Note:** These questions are provided in this appendix for informational and discussion purposes. When answering these questions, [please use the provided Google Form](#) to facilitate analysis of the community's feedback.

### **Consultation Topic 1**

1. In its [Second Clarifying Statement](#), the GNSO Council said that with respect to Registry Voluntary Commitments (RVCs) both ICANN org and the applicant must agree that a proffered commitment is clear, detailed, mutually understood, and sufficiently objective and measurable as to be enforceable. If ICANN and the applicant cannot agree on final commitment language that both ICANN and the applicant agree is enforceable under the ICANN Bylaws and as a practicable matter, should the application be permitted to move forward without that commitment, particularly in circumstances in which an applicant has proposed a commitment as a means to resolve an objection, GAC early warning, etc? (yes/no)
2. Please explain your answer to question 1 above.
3. Should all applicants that propose registry voluntary commitments and community gTLD commitments be required to designate a third party to be charged with monitoring the registry operator's compliance with those commitments, regardless of whether or not the commitments relate to the contents within an applied-for gTLD? (yes/no)
4. Please explain your answer to question 3 above.
5. Are there any changes that should be made to the proposed implementation framework? (yes/no)
6. If your answer to question 5 is "yes," what changes should be made, and why?
7. Are there any specific improvements that should be made to the dispute-resolution processes utilized in the 2012 round (the Public Interest Commitments Dispute-Resolution Procedure and the Registry Restrictions Dispute Resolution Procedure) to ensure that these processes provide an effective mechanism for the resolution of disputes concerning the relevant commitments? (yes/no)
8. If your answer to question 7 is "yes", please explain your answer.
9. Please provide any further comments you wish to share concerning the proposed implementation framework.



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## **Consultation Topic 2**

1. After the launch of the 2012 round of the New gTLD Program, and as part of the 2016 [IANA Stewardship Transition](#), the ICANN Board adopted new community-developed Bylaws that specifically define the scope of ICANN's Mission. The restated Mission could impact ICANN's ability to enter into and enforce content-related registry commitments that are contemplated for inclusion in future Registry Agreements. The ICANN Board is concerned with proceeding to permit content-related commitments to be negotiated into Registry Agreements if there is significant potential for ICANN's ability to negotiate and enforce those commitments to be challenged as beyond ICANN's Mission.

With this background, the Board seeks your input concerning the scope of content-related Registry Agreement commitments that ICANN should permit registry operators to enter into pursuant to the SubPro PDP Working Group recommendations, taking into account the scope of ICANN's Mission.

**Question:** Are there any types of content restrictions in gTLDs that could be proposed by new gTLD applicants that ICANN must accept for inclusion in future Registry Agreements as a matter of ICANN Consensus Policy? (yes/no)

To facilitate your consideration of this issue, [Appendix 2 to this memo](#) includes examples of commitments from 2012 round Registry Agreements so that the community can better understand the types of commitments that could be proposed by new gTLD applicants in the future.

2. Please explain your answer in question 1, above. If your answer to question 1 is yes, please identify with specificity the types of content-related commitments that you believe must be permitted in future Registry Agreements as a matter of ICANN Consensus Policy.
3. Are there any types of content restrictions that ICANN should not enter into in the New gTLD Program: Next Round, considering the scope of ICANN's Mission in relation to Registry Agreements? (yes/no)
4. Please explain your answer in question 3, above. If your answer to question 3 is yes, please identify with specificity the types of content-related commitments that you believe should not be permitted in future Registry Agreements.
5. In order for ICANN to have the ability to enter into the content-related commitments recommended by the GNSO for the New gTLD Program: Next Round, a Bylaws amendment appears to be required. For example, an amendment could clarify the scope of future content-related commitments that ICANN may enter into and enforce in future Registry Agreements, including reliance on principles evidenced within the framework (as discussed within Consultation Topic 1).

**Question:** Do you agree that ICANN must move forward with a Fundamental Bylaws change to clarify ICANN's contracting remit regarding content-related commitments? (multiple choice, pick one answer)

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- a. No. ICANN should not accept any content-related registry voluntary commitments or community gTLD commitments in the New gTLD Program: Next Round, so no Bylaws amendment is required.
  - b. No. While ICANN must accept, agree to, enter into, and enforce content-related registry voluntary commitments and community gTLD commitments in the New gTLD Program: Next Round, no clarification to the ICANN Bylaws is required for ICANN to perform this function.
  - c. Yes. ICANN must accept, agree to, enter into, and enforce content-related registry voluntary commitments and community gTLD commitments in the New gTLD Program: Next Round, and ICANN must move forward with a Fundamental Bylaws change to clarify ICANN's contracting and enforcement remit regarding content-related commitments.
6. Please explain your answer in question 5, above.
  7. Please provide any additional comments or information not addressed above that you believe are critical to inform this community dialogue concerning content-related registry commitments in future Registry Agreements.

## Appendix 2: Registry Commitment Examples

The table below includes example commitment language from 2012-round Registry Agreements to help inform the community’s consideration of the questions posed in this community consultation.

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
1	<p>Anti-Abuse Policy</p> <p>i. Registry Operator’s Anti-Abuse Policy will be required under the Registry Registrar Agreement and posted on the Registry Operator’s web site.</p> <p>ii. Registry Operator will monitor the TLD for abusive behavior and address it as soon as possible if detected.</p> <p>iii. Registry Operator reserves the right, at its sole discretion and at any time and without limitation, to deny, suspend, cancel, or transfer any registration or transaction, or place any domain name(s) on registry lock, hold, or similar status as it determines necessary for any of the following reasons:</p> <p>A. to protect the integrity and stability of the registry;</p> <p>B. to comply with any applicable laws, government rules or requirements, requests of law enforcement, or any dispute resolution process;</p> <p>C. to comply with the terms of this Registry Agreement and the Registry Operator’s Anti-Abuse Policy;</p> <p>D. registrant fails to keep Whois information accurate and up-to-date;</p> <p>E. domain name use violates the Registry Operator’s acceptable use policies, or a third party’s rights or acceptable use policies, including but not limited to the infringement of any copyright or trademark; or</p> <p>F. as needed during resolution of a dispute.</p>	Anti-Abuse commitment	See <a href="#">.wtf Registry Agreement</a> , Specification 11, Section 4(d)
2	<p>a. Anti-Abuse Policy</p> <p>Registrants in the TLD will be required to agree to the terms of Registry Operator’s Anti-Abuse Policy under the Registry-Registrant Agreement and the Anti-Abuse Policy will be posted on the Registry Operator’s web site and will include the following terms:</p> <p>...</p> <p>ii. Child Protection Labeling. Registrant understands that Registry Operator may label the sites in the TLD and any site to which such sites are automatically redirected irrespective of the top-level domain for child protection purposes; registrant consents to such labeling.</p> <p>iii. Prohibition on Child Abuse Images and Conduct or Content Designed to Suggest the Presence of Child Abuse Images. The term “child abuse images” is defined as any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, depicting child sexual abuse as stated in the United Nations Convention on the Rights of the Child. Registrant’s sites in the TLD shall not display any child abuse images. Registrant’s sites in the TLD shall not engage in practices that are designed to suggest the presence of child abuse images, including, without limitation, the use of meta-tags for that purpose. Registry Operator will refer any sites in the TLD that are reported to the Registry Operator to be in violation of this policy to child safety hotlines like the National Center for Missing and Exploited Children (NCMEC), the Internet</p>	Anti-Abuse commitment	See <a href="#">.porn Registry Agreement</a> , Specification 11, at Section 4(a) and 4(c)

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	<p>Watch Foundation (IWF), or the International Association of Internet Hotlines (INHOPE).</p> <p>...</p> <p>c. Child Protection Zone File Review. On a quarterly basis, Registry Operator will apply its proprietary child protection keyword list against the TLD zone file. In the event a second-level domain name has been registered in the TLD that includes a keyword on Registry Operator's proprietary child protection keyword list and is a second-level domain name designed to suggest the presence of child abuse images, Registry Operator will report such domain name(s), on a quarterly basis, to child safety hotlines like National Center for Missing and Exploited Children (NCMEC), the Internet Watch Foundation (IWF), or the International Association of Internet Hotlines (INHOPE). Registry Operator will take appropriate actions as indicated by such child safety hotline(s) and/or law enforcement with respect to the domain name(s) it reports.</p>		
<b>3</b>	c. Registry Operator will develop and add to the Acceptable Use Policy language that specifically calls out and prohibits the use of domain names that might cause confusion with the Triple Zero Emergency Call Service.	Anti-Abuse commitment	See <a href="#">.ooo Registry Agreement</a> , Specification 11, Section 4(c)
<b>4</b>	Additional Mechanism - Abuse Prevention and Mitigation Seal: The Registry Operator intends to further augment the security and stability of its TLD by implementing the Abuse Prevention and Mitigation Seal ("APM Seal") as outlined in Section 6.3 of our response to Question 28. The APM Seal will provide users and stakeholders in the sector with a one-click mechanism for how to access relevant APM processes and will include an IP address geo-location mechanism that will provide enhanced features for website visitors from specific geographic regions. Registrants on the TLD will be required to implement an APM Seal on their web pages that users can click-on and be taken to a web resource detailing the relevant mechanisms for how to report and address abuse on the TLD.	Anti-Abuse commitment	See <a href="#">.win Registry Agreement</a> , Specification 11, Section 2
<b>5</b>	<p>Registry Operator's mission is to enhance the conversation between companies and their customers, as a result, certain policies will be implemented to guard against registrants that diffuse this mission. Registry Operator will implement a rapid takedown procedure to deal with domain name abuses including the following 3 potential scenarios:</p> <p>Cyberbullying</p> <p>If a complaint is made that any site of the TLD engages in cyberbullying (as defined by <a href="http://www.stopcyberbullying.org">http://www.stopcyberbullying.org</a>), and that complaint is proved, the site will be subject to rapid takedown policies. Registry Operator will retain an objective third-party with subject matter expertise to review all such matters and on whose recommendations the Registry Operator can confidently act upon.</p>	Anti-Abuse commitment	See <a href="#">.sucks Registry Agreement</a> , Specification 11, Section 4

	Example Commitment	Description	Reference
	<p>Pornography</p> <p>Registrants who host pornographic content will similarly be subject to rapid takedown should a complaint be filed and upheld. Registry Operator will retain an objective third-party with subject matter expertise to review all such matters and on whose recommendations the Registry Operator can confidently act upon.</p> <p>Parked Pages</p> <p>It is the policy of the Registry Operator to limit parked pages. If such a complaint is filed about a page and proved, the site will be subject to Registry Operator’s rapid takedown policies. Registry Operator will retain an objective third- party with subject matter expertise to review all such matters and on whose recommendations the Registry Operator can confidently act upon.</p>		
6	<p>b. Registry Operator will not tolerate any illegitimate and non-legal activity such as terrorism, online counterfeiting and piracy; and radical content. Immediate and severe action will be taken against registrants promulgating either, and a black list will be created in an attempt to pre-empt any such attempts.</p> <p>c. While the Registry Operator cannot guaranty to prevent all illegitimate and non-legal activities, but will do all possible or utmost to prevent these activities by implementing protection measures for registrations to ensure an abuse free environment whilst maintaining choice.</p>	Anti-Abuse commitment	See <a href="#">.nowruz Registry Agreement</a> , Specification 11, Section 4
7	<p>“Coach” is a generic, dictionary term that is attractive to a deep and diverse group of registrants and accordingly, the TLD will remain open to all registrants who will put registrations to lawful use. However, when used in connection with certain branded consumer products, Registry Operator will use commercially reasonable efforts to consult with that brand holder, and in Registry Operator’s discretion, will reserve certain names that likely would interfere with the rights of that entity.</p>	Brand protection commitment	See <a href="#">.coach Registry Agreement</a> , at Specification 11, Section 4 (e)
8	<p>The Registry Operator is committed to ensuring that it operates the TLD in compliance with all relevant laws and regulations. The Registry Operator's primary objective is to operate the TLD as a secure, stable, and trusted platform for consumers and genuine brands, with the ultimate aim of combating the threat of counterfeiting and other forms of online abuse. To the extent permitted by the Agreement, competition laws and other relevant laws or regulations, the Registry Operator intends to discuss its proposed TLD registry operations with third party manufacturers of watches with a view to understanding their potential interest in such a secure, stable, and trusted platform. In connection with its registry operations, and to the extent permitted by law, Registry Operator will develop transparent, objective, non-discriminatory and qualitative registration criteria for the TLD registry. However, it is noted that the TLD's final registration and operational policies will be determined</p>	Brand protection commitment	See <a href="#">.watches Registry Agreement</a> , at Specification 11

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	only after careful discussions with other stakeholders and legal advisers and otherwise in accordance with the provisions of the Registry Agreement.		
<b>9</b>	<p><b>Content/Use Restrictions</b> Registry Operator will have an AUP and registration policies that will govern how a registrant may use its registered name. Registry Operator will ask all members to honor the Persian Culture, Heritage and language. Registry Operator will also require registrants to ensure that websites hosted under these domain names contain Persian scripts to promote the Persian language as a valuable resource of the Persian Community. Registry Operator will explore the use of automated measures to search for and evaluate the use of Persian scripts on websites registered in the TLD. Those registrants who do not comply with the usage requirements above will have punitive action taken against them, potentially leading to their website being de-listed. These requirements will be enforced through the AUP and contracts registrants must sign with their registrars prior to the registration of a domain name.</p> <p><b>Enforcement</b> As part of the AUP and registration policies, Registry Operator will have complete enforcement rights over registrants' use of TLD domain names. Registry Operator will randomly audit domain names registered in the TLD to ensure compliance with all eligibility and use criteria. If a violation is discovered, an investigation will begin immediately to rectify said violation.</p>	Community gTLD commitment; enforcement mechanism	See <a href="#">.pars Registry Agreement</a> , at Specification 12
<b>10</b>	<p>Registry Operator affirms its commitment to run a responsible TLD supported by a community-based Policy Advisory Council ("PAC"), consistent with the following commitments and obligations:</p> <p>...</p> <p>a. A commitment to not discriminate against any legitimate members of the global music community;</p> <p>b. A commitment that DotMusic Limited commits to adhere to its Eligibility and Content and Use policies;</p> <p>c. A commitment that the string will operate under a multi-stakeholder governance approach through consultation with the PAC;</p> <p>d. A commitment to align all Registration Policies (Eligibility; Naming Conditions; Content &amp; Use; Enforcement Measures &amp; Appeals Mechanisms) to its community-based purpose;</p> <p>e. A commitment to enforce all Registration Policies with both proactive and reactive enforcement measures, including appropriate appeals mechanisms to fix compliance issues governed under the music-tailored .MUSIC Policy &amp; Copyright Infringement Dispute</p>	Community gTLD commitment; intellectual property protection commitment; enforcement mechanism	See <a href="#">.music Registry Agreement</a> , Specification 11, Section 4

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	<p>Resolution Process (“MPCIDRP”) and;</p> <p>f. A commitment to introduce innovative services that would serve the best interests of the global music community, which may include Premium Channels (which organize all Community members according to their classification type) and a Song Music Licensing Registry (a comprehensive song database registry which will enable quick, simple and legal music licensing at a global scale).</p>		
11	<p><b>Content/Use Restrictions</b>  Registrants must comply with the .ECO Purpose and Principles and provide accurate information in their .ECO-profiles.</p> <p>...</p> <p>Organization will develop a method to flag controversial strings based on: existing public policy, community recommendations; industry sector and green-washing watch-lists; and research/surveys. Controversial names will not be automatically blocked but registrants selecting flagged names will be notified that registration will be subject to additional scrutiny.</p> <p>...</p> <p>Anywhere a registrant references .ECO (or Dot Eco) and/or the .ECO logo, the registrant’s corresponding Eco-profile URL must also be displayed (i.e., as a footnote or hyperlink) as the .ECO logo must directly reference the registrant’s .ECO-profile.</p> <p><b>Enforcement</b>  Every .ECO-profile will have a report abuse link where a complaint can be submitted about that registrant to the Registry. The Registry will evaluate complaints against the Registrant Agreement and decide whether and how to take action.</p> <p>Where the registrant, Registry or Organization sees no clear resolution, the case may be referred to a dispute resolution process. The Registry, in keeping with the principles of improvement and inclusivity, will work with the registrant through the process to reach a mutually agreeable solution on behalf of the Community.</p> <p>Where complaints are not addressed to the satisfaction of Registry and Organization, the registrant’s domain name may be suspended and/or taken down.</p> <p>Complaints submitted by verified Community member registrants will be given priority over the general public. The Registry will review the number and nature of complaints about a registrant when considering suspension and take-down measures.</p> <p>Registry will support a Community Eligibility Dispute Resolution Process (CEDRP) aligned with the Accountability Policy described in the .ECO</p>	Community gTLD commitment, enforcement mechanism	See <a href="#">.eco Registry Agreement</a> , at Specification 12

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	<p>Policy Consensus. The CEDRP can be initiated by .ECO community member or the general public to address alleged violations of .ECO member policies or operating requirements by a registrant or registrar. Complaints will be first be addressed between the Registry, or a dispute resolution party contracted by the Registry, and the relevant Registrant. If not resolved to the satisfaction of the registrant, the registrant may pay a fee to seek the recommendation of an independent mediator or arbiter approved by the Registry. If not resolved to the satisfaction of the Registry, the Registry may choose to refer the dispute to the Organization for a final decision.</p>		
12	<p><b>Eligibility</b> Two types of conditions must be fulfilled for the right to register a .SPORT name. These are:</p> <p>A. community membership and B. the additional requirements that the registrant’s role in the Sport community, as well as the registrant’s use of the registered domain name, must be:</p> <ul style="list-style-type: none"> <li>i. generally accepted as legitimate; and</li> <li>ii. beneficial to the cause and the values of Sport; and</li> <li>iii. commensurate with the role and importance of the registered domain name; and in good faith at the time of registration and thereafter</li> </ul> <p>...</p> <p>To facilitate validation, registrants are required to state their intended use of the registered domain name. A false statement of intended use is an indication of bad faith and can be the basis for the suspension of the domain name.</p> <p>...</p> <p><b>Content/Use Restrictions</b></p> <p>The role and importance of the domain name is based on the meaning an average user would reasonably make in the context of that domain name.</p> <p>This criterion also applies to the strength of the documentation or proof required of the registrant.</p> <p>Pre-defined uses of the name space, especially names with significance for Performers or organizers of sport from a public service or public interest standpoint, is developed through special programs with strong selection processes, based on proposals made by parties interested in providing content on such domain names. This process not only covers the identity and legitimacy of the party entrusted with the operation of the domain(s), but also a defined obligations with respect to the content to provide for the benefit of the public.</p>	Community gTLD commitment	See <a href="#">.sport Registry Agreement</a> , at Specification 12



	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
<b>13</b>	<p><b>C) Content and Use</b></p> <p>One of the first tasks for the SPARC [.SPA Registry Community-Advisory-Council] upon its formalization (after the approval from ICANN of the .spa TLD) is the development of a set of mandatory guidelines for .spa registrants.</p> <p>Details of the mandatory guidelines and the implementation of the above principles will be developed and published before the acceptance of registrations in the .spa TLD. All registrants must adhere to these guidelines and the violation of which will constitute grounds for suspension and/or cancellation of the domain registration. The mandatory guidelines apply to content and other uses of the domain, including the name itself where applicable.</p> <p>These mandatory guidelines (including the principles and the enforcement parameters) adhere to the purpose and mission of the .spa TLD (and are aligned with the credos of Registry Operator and the philosophies of the spa and wellness community) and will help to ensure that content and use of .spa domain names are consistent with the community-based purpose of the Registry.</p>	Community gTLD commitment	See <a href="#">.spa Registry Agreement</a> , at Specification 12
<b>14</b>	<p><b>Content/Use Restrictions</b></p> <p>Content associated with DNSs must be in furtherance of IEEE’s purposes, as provided in Art. I, § 2 of the IEEE Constitution, or in furtherance of IEEE as an organization and community, including, without limitation, information about membership, IEEE news, and sales of IEEE-branded products and services. Content not meeting this requirement shall be “Non-Conforming Content.”</p> <p>Related to DN: Content which is not reasonably identified, described, or related to the DN shall be “Non-Conforming Content.”</p> <p>Design Standards: Content which does not comply with any design standards that Registry Operator may establish in consultation with or at the direction of its sole member, IEEE, shall be “Non-Conforming Content.” (Design standards may be established, for example, to increase community cohesiveness, ensure consistent use of the IEEE brand, or for accessibility for people with disabilities.)</p> <p>Required Content Rules: Content which does not include items required under any Required Content Rules which Registry Operator may establish in consultation with or at the direction of its sole member, IEEE, shall be “Non-Conforming Content.” Required Content Rules may require, for example, information identifying IEEE sub-units as part of IEEE, legal information such as privacy policies, links to IEEE’s website, or contact information for Registry Operator.</p> <p>Discriminatory Content: Content that is contrary to the IEEE policy on nondiscrimination may never be associated with the TLD and shall be “Discriminatory Content.”</p>	Community gTLD commitment; .brand gTLD commitment; enforcement mechanism	See <a href="#">.ieee Registry Agreement</a> , at Specification 12

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	<p>...</p> <p>Non-Conforming Content: Upon learning of Non-Conforming Content, Registry Operator may, immediately, or after first making informal requests, issue a "Content Order" requiring that the DN User eliminate such content immediately.</p> <p>If Non-Conforming Content has not been fully eliminated within two (2) business days following issuance of a Content Order, Registry Operator may, at its discretion, immediately disassociate the DN from the set of name servers, or issue a subsequent Content Order requiring that remaining Non-Conforming Content be eliminated immediately.</p> <p>Discriminatory Content: Upon learning of any Discriminatory Content, Registry Operator may, at its discretion, either immediately disassociate the DN from the set of name servers or issue a Content Order requiring that the Discriminatory Content be eliminated immediately. If the Discriminatory Content has not been fully eliminated within two (2) business days thereafter, Registry Operator shall immediately disassociate the DN from the set of name servers.</p> <p>...</p> <p>Appointments: Registry Operator's president, in consultation with or at the direction of Registry Operator's sole member, IEEE, shall appoint one or more individuals to the Appeal Body. If more than one individual is appointed to the Appeal Body, enough shall be appointed to ensure that the Appeal Body contains an odd number of individuals.</p> <p>Individuals so appointed shall be IEEE members in good standing and/or part of IEEE's Management Council. No individual sitting on the Appeal Body shall hold any position within registry operations, and reasonable efforts shall be made to select individuals without interests that may conflict with the duties of the Appeal Body.</p> <p>Procedure: Within two (2) months following any Refusal of Use or Disassociation, the affected party may appeal in writing to the Appeal Body, with copy to Registry Operator, and explain any contention that Registry Operator's decision was not justified under these Policies. Registry Operator shall submit any reply to the Appeal Body within two (2) weeks thereafter. Within two (2) months of its actual receipt of the appeal, and upon consideration of any and all arguments and any other information it deems relevant, the Appeal Body shall uphold or reverse the Refusal of Use or Disassociation. If the Appeal Body contains more than one individual, its decision shall be determined by simple majority vote of those present at the time of the vote, provided that a quorum, defined as 2/3rds of the Appeal Body, is present.</p>		
<b>15</b>	<p><b>Content/Use Restrictions</b> Registry Operator will have an Authorized Usage Policy that will govern how a registrant may use its registered domain name(s). A draft framework of this policy is as follows:</p>	Community gTLD commitment; Anti-Abuse commitment;	See <a href="#">.pharmacy Registry Agreement</a> , at

	Example Commitment	Description	Reference
	<p>All TLD domain names must be used to serve the needs of the TLD community. By registering a name in this TLD, the registrant agrees to be bound by the terms of this Acceptable Use Policy (AUP). Registrant may not:</p> <p>a. Use domain names for any purposes that are prohibited by the laws of the jurisdiction(s) in which registrant does business, or any other applicable law.</p> <p>b. Use domain names for any purposes or in any manner that violates a statute, rule, or law governing use of the Internet and/or electronic commerce (specifically including “phishing,” “pharming,” and distributing Internet viruses and other destructive activities).</p> <p>c. Use domain names for the following types of activity:</p> <ul style="list-style-type: none"> <li>i. Violation of the privacy or publicity rights of another member of the pharmacy community or any other person or entity, or breach of any duty of confidentiality that registrant owes to another member of the TLD community, or any other person or entity;</li> <li>ii. Promotion of or engagement in hate speech; hate crime; terrorism; violence against people, animals, or property; or intolerance of or against any protected class;</li> <li>iii. Promotion of or engagement in defamatory, harassing, abusive, or otherwise objectionable behavior;</li> <li>iv. Promotion of or engagement in child pornography or the exploitation of children;</li> <li>v. Promotion of or engagement in any spam or other unsolicited bulk email, or computer or network hacking or cracking;</li> <li>vi. Infringement on the intellectual property rights of another member of the TLD community, or any other person or entity;</li> <li>vii. Engagement in activities designed to impersonate any third party or create a likelihood of confusion in sponsorship;</li> <li>viii. Interference with the operation of the TLD or services offered by Registry Operator;</li> <li>ix. Installation of any viruses, worms, bugs, Trojan</li> </ul>	Enforcement mechanism	Specification 12

	<b>Example Commitment</b>	<b>Description</b>	<b>Reference</b>
	<p>horses, or other code, files, or programs designed to, or capable of, disrupting, damaging, or limiting the functionality of any software or hardware; or distributing false or deceptive language, or unsubstantiated or comparative claims, regarding Registry Operator;</p> <p>x. Registration of TLD domain names for the purpose of reselling or transferring those domain names.</p> <p>...</p> <p><b>Enforcement</b></p> <p>Registry Operator is committed to bringing all of its available resources to timely investigate and resolve any abusive activity and/or non-compliance within the TLD namespace. The first prerequisite is the need to verify the authenticity of the request. Therefore, Registry Operator will undertake a preliminary analysis to verify if a complaint has been received from a trusted/verified source. In making this initial determination, Registry Operator will rely upon internal and external staffing. While Registry Operator does not anticipate a high volume of complaints, Registry Operator will prioritize the complaints that it receives based on the source of the complaint, as well as the subject matter of the concern.</p> <p>Registry Operator will prioritize all investigations in a similar manner as identified in the preceding section. While Registry Operator staffing levels are suitable to handle expected volumes of complaints and the associated verification/investigation/remediation/follow-up tasks, Registry Operator has access to external consultants to supplement its needs.</p>		