## GAC Advice - Buenos Aires Communiqué 24 June 2015 (as of 13 August 2015)

GAC-NGPC Scorecard Not Considered

Pages 5/21 – 18/21 removed. Privileged and Confidential.

## REFERENCE MATERIALS EXH A – NGPC PAPER NO. 2015.06.05.NG2a

TITLE: Implementation of GAC Advice Regarding .DOCTOR

This document provides an overview of the background facts regarding the GAC's advice concerning .DOCTOR and the NGPC's response to the advice.

- .DOCTOR was included as one of the <u>Category 1 strings</u> requiring additional safeguards in the GAC's <u>Beijing Communiqué</u> (11 April 2013).
- ICANN initiated a public comment period (23 April 2013) to solicit input on how the NGPC should address the GAC's safeguard advice in the Beijing Communiqué.
- On 29 October 2013, the NGPC sent a <u>letter</u> to the GAC about its proposed implementation of the Category 1 Safeguard advice in the Beijing Communiqué.
  - a. The NGPC proposed to modify the text of the Category 1 Safeguards as appropriate to meet the spirit and intent of the advice in a manner that allowed the requirements to be implemented as Public Interest Commitments (PICs) in Specification 11 of the New gTLD Registry Agreement.
  - b. The NGPC also proposed to distinguish the list of strings between those that the NGPC considered to be associated with market sectors or industries that have highly-regulated entry requirements in multiple jurisdictions, and those that do not. The Category 1 Safeguards in the PIC would apply to the TLDs based on how the TLD string was categorized (i.e. the highly-regulated TLDs would have 8 additional PICs, and the others would have 3 additional PICs). A copy of the PICs is included in the Reference Materials.

- c. In the October 2013 proposal, .DOCTOR was <u>not</u> proposed to be classified as "highly-regulated," and thus it would be required to have 3 additional PICs in its Registry Agreement.
- 4. In the GAC's <u>Buenos Aires Communiqué</u> (20 November 2013), the GAC <u>advised</u> the Board "to re-categorize the string .doctor as falling within Category 1 safeguard advice addressing highly regulated sectors, *therefore ascribing these domains exclusively to legitimate medical practitioners*. The GAC notes the strong implications for consumer protection and consumer trust, and the need for proper medical ethical standards, demanded by the medical field online to be fully respected." (Emphasis added.)
- 5. The NGPC considered the GAC's Buenos Aires advice, and in the iteration of the Scorecard from 5 February 2014, the NGPC:
  - a. adopted the proposed <u>implementation</u> of Category 1 Safeguards that was sent to the GAC in October 2013; and
  - b. accepted the GAC's Buenos Aires advice to reclassify .DOCTOR to highly-regulated so that it would be required to have the 8 additional PICs, and to "ensure that domains in the TLD are restricted to legitimate medical practitioners." (Emphasis added.)
- 6. In January 2015, staff contacted the three contending .DOCTOR applicants in advance of the "private auction," which was scheduled for late January 2015. To implement the NGPC's action regarding .DOCTOR, staff informed the applicants that in addition to the standard eight PICs for Category 1 strings in the highly-regulated category, an additional PIC would be required to ensure that domains would be restricted to legitimate medical practitioners. The additional PIC would read as follows: "Registry Operator will ensure that the domains in the TLD are ascribed exclusively to legitimate medical practitioners."
- 7. On 21 January 2015, Donuts sent an email to the CEO and some members of the NGPC raising concerns that the PIC developed by staff for .DOCTOR goes

beyond what the NGPC action called for in its 5 February 2014 Scorecard/resolution. The email stated that .DOCTOR is being singled out for disparate treatment far beyond that of any other highly sensitive TLD. The NGPC discussed the email from Donuts at its 12 February 2015 meeting, and after discussion, the sense of the NGPC was for staff to continue to move forward with implementation of the NGPC's 5 February 2014 resolution on the matter.

8. On 12 March 2015, Brice Trail filed Reconsideration Request 15-3.