



The Internet Corporation for Assigned Names and Numbers

27 January 2016

Philipp Metzger, Director General  
Federal Office of Communications OFCOM  
Zukunftstrasse 44  
2501 Biel/Bienne  
Swiss Confederation

Re: New gTLD Application for .GMBH

Dear Director General Philipp Metzger:

Thank you for your letter of 23 September 2014, regarding the new gTLD application for .GMBH. We take note of the concerns highlighted by the German and Swiss governments in the form of Governmental Advisory Committee (GAC) Early Warnings<sup>1</sup> and subsequent correspondence to ICANN Chief Executive Officer Fadi Chehadé.<sup>2,3,4,5</sup>

We are writing to inform you that Extra Dynamite, LLC, the prevailing applicant for .GMBH, has proposed additional voluntary Public Interest Commitments (PICs) which will be incorporated into its Registry Agreement with ICANN. We believe that the voluntary PICs address the spirit of the concerns raised by the German and Swiss governments.

As you know, in its Beijing Communiqué, the GAC identified “.GMBH” as a string relating to a highly regulated sector. ICANN’s implementation framework for this GAC Advice requires TLDs in this category to include eight additional safeguards within the Registry Agreement in the form of mandatory PICs.<sup>6</sup> The mandatory and voluntary PICs will be incorporated into Specification 11 of the Registry Agreement for .GMBH. All PICs will be enforceable through the

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<sup>1</sup> GAC Early Warnings: <https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings>

<sup>2</sup> Bärbel Vogel-Middeldorf to Fadi Chehadé: <https://www.icann.org/en/system/files/correspondence/vogel-middeldorf-to-chehade-25aug14-en.pdf>

<sup>3</sup> August Ortmeyer and Stephan Wernicke to Fadi Chehadé: <http://newgtlds.icann.org/en/program-status/correspondence/ortmeyer-wernicke-to-chehade-08sep14-en.pdf>

<sup>4</sup> Philipp Metzger to Fadi Chehadé: <http://www.icann.org/en/system/files/correspondence/metzger-to-chehade-23sep14-en.pdf>

<sup>5</sup> Stefan Schnorr to Fadi Chehadé: <https://www.icann.org/en/system/files/correspondence/schnorr-to-chehade-10jun15-en.pdf>

<sup>6</sup> GAC Category 1 Implementation Framework: <https://www.icann.org/en/system/files/files/resolutions-new-gtld-annex-2-05feb14-en.pdf>



Public Interest Commitment Dispute Resolution Procedure (PICDRP: <https://www.icann.org/resources/pages/picdrp-2014-01-09-en>) and ICANN's Contractual Compliance Program.

Extra Dynamite, LLC's mandatory and voluntary PICs may be viewed on the New gTLD Program's microsite at (<https://gtldresult.icann.org/application-result/applicationstatus/viewstatus:downloadpicposting/747>). In summary, Extra Dynamite, LLC has made the following voluntary commitments:

- a. Additional eligibility and validation policies - "Eligible registrants in the TLD will be limited to those entities designated, or pending designation, as a GmbH (Gesellschaft mit beschränkter Haftung) limited liability entity whose existence can be validated with the respective public authorities in Austria, Germany, Liechtenstein or Switzerland. Registry Operator will include a provision in their Registry-Registrar Agreements that requires registrars to include in their Registration Agreements a provision requiring a representation that the registrant possesses the necessary registration and designation under applicable law for registration in the TLD."
- b. Geographic name protection - "Pursuant to Specification 5 of this Registry Agreement, Registry Operator will transmit to registrars the list of geographic names prohibited from second level registration. Registry Operator will periodically review this list to ensure it is identical to that maintained by ICANN. Should Registry Operator seek to release these reserved names, it will consult with ICANN's Governmental Advisory Committee and obtain any permissions necessary from ICANN for such release."
- c. Rights protection mechanisms and abuse mitigation policies including but not limited to enhanced WHOIS audits and remediation procedures, enhanced trademark protection in the form of the Domains Protected Marks List (DPML), and a Claims Plus service.
- d. Anti-abuse policy including TLD monitoring for abusive behavior and an abuse point of contact.

As with all voluntary PICs, these were subject to a 30-day comment period, where members of the community could raise concerns to ICANN. The comment period closed on 22 January 2016, and ICANN did not receive any application comments relating to these PICs. ICANN intends to enter into a Registry Agreement with Extra Dynamite, LLC for the .GMBH TLD in the near future.



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**ICANN**

Thank you for your participation in ICANN's multi-stakeholder process. If you have any questions about this communication, please do not hesitate to contact me.

Sincerely,

Christine A. Willett  
Vice President, GDD Operations