

*gTLD String: garden*

*Applicant Entity Name: Top Level Domain Holdings Limited*

*Application ID#: 1-1039-6355*

## **SPECIFICATION 11 PUBLIC INTEREST COMMITMENTS**

1. Registry Operator will use only ICANN accredited registrars that are party to the Registrar Accreditation Agreement approved by the ICANN Board of Directors on [date to be determined at time of contracting], 2013 (or any subsequent form of Registrar Accreditation Agreement approved by the ICANN Board of Directors) in registering domain names. A list of such registrars shall be maintained by ICANN on ICANN's website.

2. ☐ Registry Operator will operate the registry for the TLD in compliance with all commitments, statements of intent and business plans stated in the following sections of Registry Operator's application to ICANN for the TLD, which commitments, statements of intent and business plans are hereby incorporated by reference into this Agreement. Registry Operator's obligations pursuant to this paragraph shall be enforceable by ICANN and through the Public Interest Commitment Dispute Resolution Process established by ICANN ((posted at [url to be inserted when final procedure is adopted])), as it may be amended by ICANN from time to time, the "PICDRP"). Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

[Registry Operator to insert specific application sections here, if applicable]

3. ☒ Registry Operator agrees to perform following specific public interest commitments, which commitments shall be enforceable by ICANN and through the PICDRP. Registry Operator shall comply with the PICDRP. Registry Operator agrees to implement and adhere to any remedies ICANN imposes (which may include any reasonable remedy, including for the avoidance of doubt, the termination of the Registry Agreement pursuant to Section 4.3(e) of the Registry Agreement) following a determination by any PICDRP panel and to be bound by any such determination.

### **Preamble**

We agree with the Government Advisory Committee (GAC) that some representations made in new gTLD applications should be binding. We believe that this step will increase consumer confidence in the new gTLD program, and it will enable the various compliance functions built into the new gTLD program to more easily correct behavior that is inconsistent with the stated purpose of the application. We therefore support the main thrust of the Public Interest Commitment (PIC) initiative.

While we agree with the aims of the PIC requirement, we note that it is of recent vintage and that our application was not written in a manner upon which we could make contractual PIC commitments. We also note that many elements of the PIC program remain undefined, and we are unsure how the different policy initiatives surrounding the program, including a formal Policy Development Process (PDP), may affect the final form of the program and the compliance regime.

Therefore, we offer here a set of commitments that are a distillation of what we believe are the important and relevant portions of our application, worded as commitments to which we can be held. We believe that they are responsive to what we understand to be the concerns behind the PIC program and they bind us in a real and substantive way to behave responsibly and in the interest of the global Internet. Our commitments are meant to provide protection to consumers and other affected parties, and are worded in

a way that provides sufficient flexibility in their implementation to be effective in a wide variety of possible final versions of the PIC program.

We are committed to responsible self-governance and look forward to finalizing the PIC program into a safeguard that encourages consumer choice and competition and assures the security and stability of the Internet.

## **Commitments**

With reference to the Government Advisory Committee Toronto Communiqué (October 17, 2012); the United States Government (USG) Input to Early Warning Processes for New Generic Top-Level Domain Names (gTLDs) Via the Governmental Advisory Committee; and the letter from Lawrence Strickling of the U.S. Department of Commerce to Dr. Stephen Crocker, Chair of the Board of Directors of ICANN, dated February 26, 2013, we offer the following commitments:

We will implement and operate a robust abuse mitigation process to minimize abusive registrations that have a negative impact on Internet users and rights holders. We commit to establish and promulgate an Acceptable Use Policy (AUP) for registrants, which will feature enforceable processes designed to ensure that registered domain names will be used only for legitimate activities. Our AUP will include but is not limited to the following commitments we agree to be bound by within the confines of applicable laws:

- To publish and make readily available to the public policies and procedures that cover domain name acceptable use, naming standards, and which define malicious or abusive behavior. Abusive behavior includes, but is not limited to, using domain names for spam, phishing, pharming, and illegal activity, as well as cybersquatting or other behavior that infringes the rights of others;
- To make these policies and procedures binding upon registrants by requiring registrars to get registrant agreement to our AUP as a condition of registration during the sign-up process;
- To provide an easily accessible flagging process that allows members of the public, law enforcement, and other government entities to quickly and easily call attention to possible cases of non-compliance with these policies or to report abuse;
- To provide a single point of contact, available to law enforcement and other authorized government entities, responsible for addressing reports of abuse, non-compliance and other matters requiring expedited attention;
- To constructively work with law enforcement to address reported cases of abuse;
- To timely review, resolve, and respond to reported cases of abuse, including implementation of procedures that allow us, within the confines of applicable laws and in cases where domain registrations are determined to have been used abusively, to:
  - Suspend or delete abusive domain names;
  - Block registrants of abusive domain names from further registrations; and/or
  - Suspend or delete all names associated with a registrant.

- To prevent registration of exact matches of geographic names at the second level as defined by the Applicant Guidebook of January 12, 2012, except by authorized representatives of the governmental authority of the territory in question;
- To prevent registration of exact matches of IGO names at the second level, according to the list to be provided by the GAC as per the GAC Toronto Communiqué of 17 October 2012, except by authorized representatives of the IGO in question;
- To institute a 60-day Trademark Sunrise using the Trademark Clearinghouse process;
- To develop a dispute-resolution procedure that supplements ICANN-mandated processes, including access to alternative resolution processes; and
- To implement security policies and procedures commensurate with the security profile of the TLD.