

Report to GAC Members on new gTLD Applications Targeting Copyright Sectors:

Applying the Enhanced Safeguards

October 3, 2012

EXECUTIVE SUMMARY

ICANN's recent launch of a program to accredit hundreds or thousands of new generic Top Level Domains (gTLDs) has the potential to create new opportunities and new digital channels for the dissemination of creative works. But the launch is also fraught with serious risks to those engaged in creating, producing and disseminating copyrighted works – music, movies, videogames, software, books, and more. All these sectors have historically been vulnerable to online theft and infringement, and continue to experience serious and persistent damage from such abuse. This phenomenon undermines copyright protections worldwide, with consequential detrimental impacts on jobs, culture, and economic growth.

The introduction of hundreds of new generic Top Level Domains (gTLDs) adds a new dimension to this threat, and could exponentially intensify the problem unless adequate safeguards are implemented. That would be disastrous for the copyright sectors worldwide, and thus for jobs, economic growth and competitiveness in many countries.

Prior to the closing of the new gTLD application window, the Coalition for Online Accountability, a coalition of organizations representing copyright owners and the copyright industries, developed and publicized a set of seven minimum “enhanced safeguards.” This list identified registry practices and policies that could reduce the risk that new gTLDs could become havens for online copyright theft.¹ Now, the coalition has identified 47 new gTLD applications that clearly are targeted to sectors dependent on copyright protection. It has also flagged 94 other applications for character strings that present a high risk that domain name registration may be abused to promote or facilitate online piracy. This report applies the seven “enhanced safeguards” to these proposals for new gTLDs, and identifies areas of particular concern.

Governments participating in the ICANN Governmental Advisory Committee (GAC) have a critical opportunity to flag potentially problematic new gTLD applications through the use of an Early Warning system. Applications that fail to include practices and policies sufficient to protect against risks of online copyright theft and piracy should be subject to Early Warnings. We urge all governments to take the materials in this report into consideration in deciding how to exercise their Early Warning capability.

¹ For information about COA, see www.onlineaccountability.net. The enhanced safeguards may be found at http://www.onlineaccountability.net/pdf/2012_Mar06_EnhancedSafeguards.PDF. They are attached to this report for ready reference (see Annex A). A list of organizations endorsing the safeguards may be found at http://www.onlineaccountability.net/pdf/2012_Aug09_Enhanced_Safeguards_Endorsing_Organizations.PDF.

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Applying the Enhanced Safeguards

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REPORT

1. About the Enhanced Safeguards

Organizations representing creative business sectors dependent on copyright protection (“copyright sectors”) have closely followed the development of ICANN policy and implementation regarding the roll-out of new generic Top Level Domains (gTLDs). All these sectors – such as music, movies, publishing, videogames, databases and software – are significantly and adversely impacted by widespread and deliberate online copyright theft and piracy. A paramount concern for these groups is to reduce the risk that new gTLDs targeted to the copyright sectors will tolerate, or in the worst case even foster and approve, such activities.

As ICANN’s New gTLD Applicant Guidebook, after many iterations, achieved final form, and the evaluation criteria that ICANN would use to judge new gTLD applications became clear, it was evident that the minimum standards it included would not be enough to adequately address the serious risk that new gTLDs targeted to the copyright sectors would become havens for online piracy. The Coalition for Online Accountability, which has advocated the interests of copyright owners on domain name issues since the inception of ICANN more than 13 years ago, led a process to develop a minimum set of “enhanced safeguards” that applications targeted to the these sectors should be required to meet.² These seven enhanced safeguards were ultimately endorsed by dozens of national and international groups representing the creative sectors. The enhanced safeguards were submitted to ICANN, and to GAC members, in March 2012. They were also widely disseminated among known potential new gTLD applicants in this space.³

The enhanced safeguards are a high-level statement of the minimum features that should be demanded of new gTLDs that target or that threaten to seriously impact copyright-dependent sectors. They were purposely phrased in general terms to allow reasonable flexibility for new gTLD applicants in applying them to their specific applications. Of course, until the “Big Reveal” of new gTLD applications in June 2012, it was not possible even to catalog the list of potential new gTLDs to which the safeguards ought to be applied, much less to use them as a measuring stick for evaluating these applications. Over the ensuing months, COA and its participants have undertaken this task, using the publicly accessible portions of the new gTLD applications posted by ICANN, and engaging in extensive dialogue with many applicants. This report presents our preliminary findings, along with our recommendations to GAC members for

² For information about COA, see www.onlineaccountability.net.

³ The enhanced safeguards may be found at http://www.onlineaccountability.net/pdf/2012_Mar06_EnhancedSafeguards.PDF. A list of endorsing organizations may be found at http://www.onlineaccountability.net/pdf/2012_Aug09_Enhanced_Safeguards_Endorsing_Organizations.PDF. For ready reference, the enhanced safeguards document is annexed to this report (see Annex A).

exercise of the “Early Warning” capability available within the ICANN process. We hope that through judicious use of this process, new gTLD applicants will be motivated to clarify ambiguities in their applications and to bring their proposed policies into closer alignment with the enhanced safeguards.

2. Applications Reviewed

We focused our review on 47 new gTLD applications that clearly are targeted to sectors dependent on copyright protection. These include (along with the number of individual applications seeking that character string):

- .audio (2)
- .book (9) (+1 in non-ASCII characters: 書籍)
- .film (3)
- .game (5)
- .games(1) (+1 in non-ASCII characters: 游戏)
- .juegos (2)
- .movie (8)
- .music (8)
- .software (1)
- .song (1)
- .tunes (1)
- .video (4)

In addition to these “tier 1” applications, we identified a second tier of 94 applications for character strings that, while not exclusively focused on copyright-dependent sectors, nevertheless present a serious risk of abuse to carry out or facilitate copyright infringement. In general, these “tier 2” applications are for character strings that either are likely to be read as referencing one or more of the copyright sectors, or that could invite second level registrations for use by those engaging in online copyright theft (e.g., movies.free or freebooks.app). The “Tier 2” applications include:

- .app (13)
- .art (10)
- .author (1)
- .band (2)
- .beats (1)
- .cloud (7) (+1 non-ASCII: クラウド)

.data (3)
.design (8)
.digital (1)
.download (1)
.entertainment (non-ASCII: in Chinese - 娱乐) (2)
.fan (1)
.fans (1)
.free (5)
.gratis (2)
.hiphop (1)
.media (3)
.news (7) (+1 non-ASCII: 新闻)
.online (6) (+2 non-ASCII: 在线 and онлайн)
.radio (4)
.rip (3)
.show (4)
.tour (1)
.tours (1)
.tvs (1)
.zip (1)

While we have not exhaustively researched all these “Tier 2” applications, the vast majority of them have been applied for by applicant groups that also submitted nearly identical applications for Tier 1 gTLDs. We have noted these in our discussion of the various applicant groups below.

3. General Observations and Special Cases

As noted above, the enhanced safeguards were drafted and publicized long prior to the release of any part of any new gTLD applications. Once the “Big Reveal” occurred, not only was it evident that far more applications had been received than had been anticipated by almost anyone, but also some other unexpected characteristics of the applicant pool emerged. The following summarizes some of these new features that have influenced our review:

(a) Applicant groups: as mentioned above, the great majority of applications we reviewed were submitted by one of a handful of “applicant families.” There were relatively few “one-off” applications targeting creative sectors. In some cases (e.g., Uniregistry or Radix/Directi), all the applications reviewed from a particular applicant group were virtually identical; in other instances (e.g., Donuts and Google), the applications fell in different subcategories of the application formats used by the same applicant.

(b) Boilerplate across groups: Some critical portions of the applications we reviewed were nearly identical even across different applicant groups. This is evidently because a limited number of back-office registry services providers were employed to provide details on the operation of, e.g., Whois services or anti-abuse mechanisms, and the same boilerplate language appears in all these applications. Most of these applications reflect virtually no appreciation of the vulnerability of the creative sectors to online copyright piracy and theft, and therefore the provisions of the application are the same whether the application is for .widget or .music, .movie or .book. This explains the shortcoming that we encountered more than almost any other in our review: ambiguity about whether the mechanisms and procedures provided to detect and deal with “abusive registrations” or violations of “Acceptable Use Policies” even apply to the use of second level domain name registrations to carry out or facilitate deliberate copyright infringements. These provisions were clearly written without any consideration of whether this was a form of abuse to be guarded against.

(c) Closed registries: A number of the applications we reviewed proposed “closed registries” in which second level domain name registration would be available only to the company operating the registry (or, in a slightly less extreme case, only to the registry operator and its business partners). While the enhanced safeguards remain applicable to these applications, the safeguards were not drafted with closed registries in mind. For example, if all second level registrations are made by the registry operator, the problem of verification of Whois data (enhanced safeguard #1) becomes less difficult; and the need for certification by the registrant (enhanced safeguard #2) also becomes easier to administer. Although closed registries may present other issues, on the whole, closed registries operated by legitimate businesses that respect copyright can be expected to be much less vulnerable to exploitation for infringing purposes than the more “open” registries for which the enhanced safeguards were initially designed.

(d) Community applications: Only two of the 47 Tier 1 applications reviewed (and none of the Tier 2 applications) were self-classified as “community” applications within the ICANN typology. Both these applications were for .music. Both include a number of features that are

responsive to the concerns embodied in the enhanced safeguards; we do not recommend at this time that an Early Warning be issued with regard to either of them. Beyond that, this report does not analyze the provisions of these applications in detail.

4. Review of Enhanced Safeguards Against New gTLD Applications Received

This section of the report provides our overall observations, *in italics*, about how the applications reviewed measured up to the enhanced safeguards.

1. **Authenticated, Verified, Publicly Accessible Whois Data:** *The evaluation criteria in the Applicant Guidebook do not require registries to provide for the verification or authentication of registrant contact data submitted in connection with second level registrations; however, a registry which provides for such verification may, under certain circumstances, receive an extra point in the evaluation under criterion 28 for adopting “additional measures to promote Whois accuracy.” While nearly all applications seem to meet the ICANN minimum standards for public access to Whois (the Uniregistry applications may be a notable exception in this regard), they vary widely in terms of the scope and level of verification of Whois data that they provide. Some make no commitments with regard to Whois data verification (or none beyond what ICANN may in the future require); others offer to “spot-check” random samples of registrations, or to apply “commercial data hygiene” tests to catch the most flagrant examples of obviously false contact data; others promise somewhat more extensive verification efforts, but mostly limited to pinging e-mail and/or verifying a telephone number, both of which can be evaded through the use of anonymous “throw-away” accounts.*

Our comments here focus on those applications that clearly fall well short of providing the level of authentication or verification of all registrations that should be required, at least in the “Tier 1” applications obviously targeted to content sectors. However, the lack of a comment in this field for a particular application does not necessarily mean that the criterion has been fulfilled. Most of the applications are not very specific in this regard, and much will depend on implementation of whatever commitment is made in the area of Whois data verification.

2. **Enforceable Certification by Registrant** that the domain name will be used only for licensed, legitimate activities, and not to facilitate piracy or counterfeiting.

3. **Proactive Auditing by Registry/Registrar** that certification is being respected.

4. **Prompt, Accessible Mechanism for Right Holder** Complaints that certification is being violated or that piracy, counterfeiting or other abuses are being enabled.

5. **Predictable Consequences for registrants who violate certification**, allow infringing activities, falsify registrant contact data, etc.

Our analyses generally treat these four criteria together. Most applications require registrants to adhere to some form of “Acceptable Use Policy,” (AUP) or to refrain from “abusive behaviors,” and provide some level of enforcement, including through third party complaints and often through some level of proactive monitoring by the registry. The critical threshold question, however, is whether use of a second level domain name to facilitate piracy or counterfeiting is clearly stated to be a violation of the AUP, or clearly identified as an unacceptable “abusive behavior.” Only if this is so do representations made by registrants to abide by such policies even have the potential to form the basis for auditing, complaint processes, and consequences for violations.

Most of the applications reviewed fall short of defining this behavior as a violation. In some cases there is a general reference to violations of intellectual property rights as a violation of the AUP; in other cases, not even that. Until this question is resolved, it is impossible to determine whether the application makes adequate provision for certification, auditing, complaint mechanisms, or remedies.

6. **Seats at the table for right holders** as registry policies reflecting these safeguards are developed, implemented, and enforced.

Only a few of the open registration model applications provide for this, while community applications and some restricted applications do so.

7. **Demonstrable evidence that the registry has the capability and commitment, and will devote the needed resources,** to implement the preceding safeguards effectively.

Without access to the full applications (including financial data that is not made publicly available), it is not possible to fully evaluate compliance with this criterion. Where anti-abuse and Whois compliance efforts are to be handled by legitimate back-end registry services providers, this report generally omits any comment on this criterion, except in cases in which the staffing and resource commitments set forth in the application may well prove inadequate if spread across a large number of registries to be operated by the same entity.

5. Applications for Consideration for Early Warnings

The summaries below cover all applications submitted for Tier 1 character strings (except the community applications, as noted above). The summaries are organized, first, by applicant groups, since (except as noted in the summaries) the contents of the applications generally appear to be substantively identical for all applications within each group that appear in Tier 1 or Tier 2. The next subsection covers all “one-off” applications in Tier 1. Within each section, summaries are organized in roughly descending order of the strength of the case for issuing an Early Warning.

The numbering in the summaries refer to the specific enhanced safeguards involved (see Annex A for full text of the enhanced safeguards). Where no comment is made regarding a particular safeguard, this does not constitute an endorsement of the application or a finding that it satisfies that particular safeguard. Rather, it reflects that the gap between what the safeguard requires and what the application provides is not sufficiently clear and significant to justify an Early Warning.

In the chart attached as Annex B, all Tier 1 applications are assessed individually in alphabetical order by character string (i.e., all .audio applications are summarized first, then .book applications, and so on. The content of this chart is substantively similar to the summaries that follow in this section.

Finally, a caveat: the legal obligations of the new gTLDs that are ultimately delegated by ICANN will be governed by the terms of the contracts between the registry operators and ICANN, not necessarily by statements made in the applications submitted. It is critical to ensure that those contracts include requirements to implement enhanced safeguards. Further discussions with new gTLD applicants may clarify the policies set forth in the applications and may also lead to commitments to embody improved policies in the registry contracts. Issuance of Early Warnings will no doubt help motivate applicants to have those further discussions.

A. Applicant Groups

1. Uniregistry (.audio, .game, .juegos, .video in Tier 1; .art, .audio, .design, .free, .gratis, .hiphop, .media, .news in Tier 2)

1. Whois: (a) It is not clear that the Whois service will even comply with Specification 4 to the Registry Agreement, much less the enhanced level of Whois verification called for in the enhanced safeguards. The following points should be clarified.

(i) There is no provision in the application for “standard” public access Web-based Whois; the only Web-based service described is limited to “identifiable qualified users.” (26.1.3.1)

(ii) Anonymous Whois access appears unavailable in the case of registrants who opt in to “receive notice whenever domain name contact information is accessed via one of the Whois querying mechanisms” (26.1.4).

(iii) A capacity for registrars to suppress from public disclosure data elements required to be disclosed under Specification 4 may be offered (26.1.4).

(b) “Active Whois accuracy program” should be expanded beyond sampling and use of “commercial data hygiene” to cover more robust verification of accuracy of contact data (28.1.7)

2-5. Certification by Registrant/Auditing by Registry/Complaint Mechanism/Consequences for Registrants: Applicant does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. Registrants are not required to certify they will not engage in copyright infringing activities; there is no clear provision for the registry to receive and act upon complaints of such activities, nor any provision for the registry to proactively audit for such activities; and no provision for any adverse consequences for registrants who use their domain name registrations to engage in such activities. Counsel for the applicant has confirmed that “Section 28 is directed toward malicious activity which is primarily abusive to technical infrastructure or which are typically incident to domain name registration per se.... We have not identified copyright infringement as an abusive use, outside the things we explicitly characterize as abuse such as phishing and pharming sites, which may contain elements of copyright infringement attendant to their attempts at fraud.”

6. Seat at table for rightholders: Application offers no opportunity for copyright holder input in developing or implementing policies.

2. Top Level Domain Holdings/Minds + Machines (.book, .music, .video in Tier 1; .app, .art, .cloud, .data, .design, .free in Tier 2)

1. Whois: Verification of Whois data is required only “pursuant to the terms of ICANN policy,” and any pre-delegation validation is rejected (28.5). This is insufficient for TLDs especially vulnerable to copyright infringement.

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

7. Capability/commitment/resources: Staffing for anti-abuse mechanisms might be adequate if dedicated to this registry; clearly may be inadequate if spread across all the more than 90 registries for which TLDH seeks delegation and/or for which Minds + Machines proposes to provide back-end services.

3. Donuts (Applications in Tier 1 include .audio, .book, .film, .games (in both ASCII and Chinese characters), .juegos, .movie, .music, .software, .video. In Tier 2: .app, .art, .band, .cloud, .data, .design, .digital, .fan, .free, .gratis, .media, .news, .online, .radio, .rocks, .show, .tours.)

1. Whois: Registry reserves the right to seek verification of Whois data, but there is no overall commitment to do so. For the following Tier 1 applications, there will be “deeper and more extensive verification,” not otherwise specified: .film, .games (in ASCII characters), .juegos, .movie, .music. For all others in Tier 1 (audio, book, games (in Chinese), software and video) and all in Tier 2, there will be “spot audits of accuracy of Whois data on periodic basis.” This is clearly insufficient for registries targeted to content sectors; all Whois data should be verified.

3. Audit: No commitment to proactive monitoring for compliance in audio, book, software and video, or in any tier 2 application.

4. Complaint: The .audio, .juegos, .software, .video, and both .games applications provide just a single abuse point of contact, and no dedicated channel for right holders. All copyright complaints will be routed to the sponsoring registrar. There is one reference to requiring a response within 24 hours, but not clear this applies to copyright.

6. Seat at table for rightholders: Application offers no opportunity for copyright holder input in developing or implementing policies.

7. Capability/commitment/resources: Staffing for anti-abuse mechanisms (2 full-time staff members and 1 in-house lawyer) might be adequate if dedicated to this registry; clearly may be inadequate if spread across all 300+ registries for which Donuts seeks delegation and/or for which Demand Media provides back-end services.

4. Nu Dot Co (.book, .movie in Tier 1: .app, .design in Tier 2)

1. Whois: A manual review of a random sample of registrations, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft.

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Application's fulfillment of these criteria turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified.

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

5. Google/Charleston Road Registry (.book, .film, .game, .movie, .music in Tier 1; .app, .drive, .free, .show, .tour, .zip in Tier 2)

The applications for .book, .film, .movie and .music propose restricted registration policies that are limited to “verified copyright holders and their authorized distributors and licensees.” Depending on how these restrictions are specifically defined, implemented and enforced, they could reduce the risk that the registry could become a haven for online copyright piracy or counterfeiting; if they remain vague, they could result in less meaningful protection. Moreover, the application for .game, and all listed applications in Tier 2, propose open registries, and thus lack these protections altogether.

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Application’s fulfillment of these criteria turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified.

6. Seat at table for rightholders: Application lacks any specific provision for input by rightholders in shaping policy/implementation.

6. Amazon EU (.book, .書籍, .game, .movie, .music, .song, .tunes, .video in Tier 1: .app, .author, .cloud, .drive, .free, .news, .show in Tier 2)

All Amazon applications propose restricted registration policies: “all domains registered to Amazon for use in pursuit of Amazon’s business goals.” It is not clear to us whether Amazon’s third party vendors would be permitted to register in these domains. Much depends on how this restriction is specifically defined, implemented and enforced. Restricting registration to businesses with effective policies in place to protect against content theft could substantially reduce the risk that the registry could become a haven for online copyright piracy or counterfeiting.

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Fulfillment of these criteria turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified.

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

7. Ariservices (.movie, .film, .book in Tier 1)

These applications propose restricted registration policies. For example, .film would require registrants to “provide an MPAA number or equivalent form of identification.” However, this approach is not necessarily useful. There is no such thing as an “MPAA number,” and most generally recognized databases of copyrighted works use numbers to identify particular works (or particular versions, such as a particular recording or edition), not to identify copyright owners or licensees. Thus, it depends on how these restrictions are specifically defined, implemented and enforced before it can be determined whether they will substantially reduce the risk that the registry could become a haven for online copyright piracy or counterfeiting.

1. Whois: A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft.

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Application’s fulfillment of these criteria turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified.

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

8. Famous Four Media (.book, .game, .movie, .music in Tier 1; .app, .download, .news in Tier 2).

1. Whois: A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. The level of verification the registry would require of registrars needs to be clarified.

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified.

9. Radix/Directi (.movie and .music in Tier 1; .app, .news, .online in Tier 2)

1. Whois: Verification of Whois data as described in 28.5.2 is positive but should be expanded to all registrations in this registry due to vulnerability to copyright theft.

B. “One-off” Applications

1. Dish DBS Corporation (.movie in Tier 1; .data in Tier 2).

The application describes a closed registry: “only Applicant, affiliated entities and authorized business partners will be permitted to register second-level domains for Applicant business.” Depending on how this restriction is implemented and enforced, it could substantially reduce the risk that the registry could become a haven for online copyright piracy or counterfeiting.

1. Whois: Insufficient verification of Whois accuracy through “spot-checking.” (28)

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Anti-abuse policy does not specifically prohibit intellectual property theft. (28)

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

2. DotBook, LLC (.book)

1. Whois: Manual review of random sampling of registrations for prima facie evidence of falsity, but no verification of actual information submitted (28.4.1).

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: No mention of copyright infringement in Acceptable Use Policy or indicative list of abusive domain name registration behaviors (28.1. and 28.2).

6. Seat at table for rightholders: Application lacks any provision for input by rightholders in shaping policy/implementation.

3. R.R. Bowker (.book)

1. Whois: Random sample of registrant contact data to be periodically checked. (A more systemic verification [VAULT system] “could be used.”) [28]

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: No reference to copyright infringement as violation of anti-abuse policy.

4. Beijing GAMEASE (.game)

While ambiguous, the application appears to describe a closed or restricted registry: “initially allow only a limited number of Eligible Registrant (ER) to apply/register limited number of second level .GAME domain names. The initial period may be up to 3 years after the launch of .GAME gTLD. The definition of ER will be developed based on CYOU actual business needs with consultation and input from relevant game industry. CYOU itself can serve as an ER.” To the extent that the registry would be limited to registrations made by CYOU (registry operator) and a limited number of other registrants, chosen after consultation with industry, and depending on how these restrictions were implemented and enforced, they could substantially reduce the risk that the registry could become a haven for online copyright piracy or counterfeiting.

1. Whois: Insufficient verification of Whois accuracy through “spot-checking.” (28)

2-5. Registrant Certification/Proactive Auditing/Complaint Mechanism/Consequences for Violation: Anti-abuse policy does not specifically prohibit intellectual property theft. (28)

Annex A

New gTLDs Targeting Creative Sectors: Enhanced Safeguards

ICANN's recent launch of a program to accredit hundreds or thousands of new generic Top Level Domains (gTLDs) has the potential to create new opportunities and to better integrate the creative sectors with the digital economy. But the launch is also fraught with serious risks to those engaged in creating, producing and disseminating creative works – music, movies, videogames, entertainment software, and more. All these sectors have historically been vulnerable to online theft, infringement and other fraud, and continue to experience unacceptably high levels of such abuse. **If new gTLDs targeted to these sectors – e.g., .music, .movies, .games – are launched without adequate safeguards, they could become havens for continued and increased criminal and illegal activity.** That would be disastrous for the creative sectors worldwide, and thus for jobs, economic growth and competitiveness in many countries.

In evaluating applications for such content-focused gTLDs, ICANN must require registry operators (and the registrars with whom they contract) to implement enhanced safeguards to reduce these serious risks, while maximizing the potential benefits of such new domains. **Governments should use similar criteria in the exercise of their capability to issue Early Warnings,** under the ICANN-approved process, with regard to new gTLD applications that are problematic from a public policy or security perspective.

The following criteria comprise a high-level statement of **the minimum safeguards that should be demanded of new gTLDs targeted to the creative sectors.** Their aim is not hinder legitimate business models in these new gTLDs, but to provide fair and efficient mechanisms for preventing abuses and dealing with them if they do arise. ICANN has already received proposed enhanced safeguards formulated by representatives of the financial services industry, and acknowledged them in the January 2012 Applicant Guidebook as an “illustrative example” of an independent security standard that should be considered in the new gTLD evaluation process. These guidelines provide another such example, with some overlap in safeguards, and could also help provide a template, with appropriate modifications, for other gTLDs targeted to groups or industry sectors that are especially vulnerable to online fraud or abuse, including counterfeiting.

1. **Authenticated, Verified, Publicly Accessible Whois Data:** it must be known who is registering at the second level in these domains. At the time of registration, registrars should be required to verify that the person or entity claiming to be the registrant exists, the data is not fraudulent, and the person or entity can be located and contacted. Registrations from serial violators of registry standards should also be screened out. If proxy registrations are not prohibited, then the registry operator must have real-time access to verified registrant contact data for audit purposes and for prompt resolution of complaints (see below).

2. **Enforceable Certification by Registrant** that the domain name will be used only for licensed, legitimate activities, and not to facilitate piracy or counterfeiting. This requirement should be incorporated in a registry Acceptable Use Policy that is publicly disclosed and with which all registrants must certify their compliance before registration and periodically thereafter.

3. **Proactive Auditing by Registry/Registrar** that certification is being respected. Appropriate remediation steps should follow when violations are detected.

4. **Prompt, Accessible Mechanism for Right Holder Complaints** that certification is being violated or that piracy, counterfeiting or other abuses are being enabled. Complaints should trigger an

expeditious investigation, with prompt notice to registrants, a reasonable opportunity for them to respond, and swift corrective action when violations are found.

5. **Predictable Consequences for registrants who violate certification**, allow infringing activities, falsify registrant contact data, etc. Potential consequences may include cancellation of the registered domain where the abuse occurs; possible cancellation of other domains registered by same or affiliated parties; and bar on future registrations by same or affiliated registrant, in the case of serial offenders.

6. **Seats at the table for right holders** as registry policies reflecting these safeguards are developed, implemented, and enforced.

7. **Demonstrable evidence that the registry has the capability and commitment, and will devote the needed resources**, to implement the preceding safeguards effectively.

ANNEX B

Enhanced Safeguards Evaluation Matrix

Tier 1 Applications

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|--|---|-----------------------------|----------------------------|---|--------------------------------|
| 1-1349-23181 .audio Holly Castle LLC (Donuts) | Registry right to seek verification of Whois data, but no blanket requirement. “Spot audits of accuracy of Whois data on periodic basis.” | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|---|--|--|--|--|--|-------------------|------------------------|
| 1-845-89968 .audio Uniregistry Corp | <p>(1) No provision for “standard” public access Web-based Whois (26.1.3.1)</p> <p>(2) Registrants can opt out of allowing anonymous Whois access (26.1.4)</p> <p>(3) Suppression of some data elements from public disclosure may be offered</p> <p>(4) Verification of Whois data limited to “commercial data hygiene” (28.1.7)</p> | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Offers no opportunity for copyright holder input in developing or implementing policies. | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|---|---|---|---|---|--------------------|---|--|
| 1-2029-6966 .book DotBook, LLC | Manual review of random sampling of registrations for prima facie evidence, but no verifying actual information (28.4.1; but cf. 28.4.2 [“option” for “use of authentication methods”]) | No mention of copyright infringement in Acceptable Use Policy or indicative list of abusive domain name registration behaviors (28.1. and 28.2) | No mention of copyright infringement in Acceptable Use Policy or indicative list of abusive domain name registration behaviors (28.1. and 28.2) | No mention of copyright infringement in Acceptable Use Policy or indicative list of abusive domain name registration behaviors (28.1. and 28.2) | Clear authority to delete or takedown domains that violate AUP or are abusive but not clear this applies to copyright infringement. | No provision. | | Open (but participation in sunrise for book title requires ISBN or equivalent documentation of publisher/author status). |
| 1-1361-60591 .book Double Bloom, LLC (Donuts) | Registry right to seek verification of Whois data, but no blanket requirement. “Spot audits of accuracy of Whois data on periodic basis.” | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|---|---|---|---|-------------------|---|
| 1-1315-44051 .book Amazon EU | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: “all domains registered to Amazon for use in pursuit of Amazon’s business goals.” |
| 1-1296-97422 .book NU Dot Co LLC | A manual review of a random sample of registrations, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | No specific provision for input by rightholders in shaping policy/implementation. | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--|---|---|---|---|--------------------|-------------------|------------------------|
| 1-1217-96477 .book Bronze Registry Limited (Famous Four Media) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. The level of verification the registry would require of registrars needs to be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | | | Open |

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|--|--|---|---|---|---|---|-------------------|---|
| 1-1132-20461 .book Global Domain Registry Pty Ltd (Ariservices) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted: “Second level domain registrations will only be available to [publishing] industry participants ... Registration will require an International Standard Book Number (ISBN)... The integrity of the .book TLD will be maintained through the provision of second level domain names to authentic and established publishers.” (Q. 18a & 18b) |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--------------|---|---|---|---|---|-------------------|--|
| 1-1099-17603 .book Charleston Road Registry (Google) | | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted: “only verified copyright holders and their authorized distributors and licensees” may register.... registrant must be authorized or licensed to post any content that the registrant introduces into the gTLD.” (Q. 18.b.1.iv) |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--|--|--|--|--|---|---|------------------------|
| 1-1038-7319 .book Top Level Domain Holdings Limited | Verification of Whois data is required only “pursuant to the terms of ICANN policy,” and any pre-delegation validation is rejected (28.5). This is insufficient for TLDs especially vulnerable to copyright infringement | | | | | Application lacks any for input by rightholders in shaping policy/implementation. | Staffing for anti-abuse mechanisms might be adequate if dedicated to this registry; clearly may be inadequate if spread across all the more than 90 registries for which TLDH seeks delegation and/or for which Minds + Machines proposes to provide back-end services. | Open |
| 1-1020-75316 .book R.R. Bowker LLC NOTE reference to enhanced safeguards and commitment to “work with all relevant parties on acceptable usage policies” that are anti-piracy and counterfeiting (18.b.i). | Random sample periodically checked. (More systemic verification [VAULT system] “could be used.”] (28) | No reference to copyright infringement as violation of anti-abuse policy | No reference to copyright infringement as violation of anti-abuse policy | No reference to copyright infringement as violation of anti-abuse policy | No reference to copyright infringement as violation of anti-abuse policy | No specific provision, but see NOTE at left. | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--------------|--|---|---|--|---|-------------------|---|
| 1-1318-52278 .book[.書籍] Amazon EU | | Fulfillment this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "all domains registered to Amazon for use in pursuit of Amazon's business goals." |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--|---|---|---|---|---|---|--|
| 1-1802-37358 .film Motion Picture Domain Registry Pty Ltd (Ariservices) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted: “Registrations will be provided under .film only upon the provision of an MPAA number or equivalent form of identification.” (18.b.4) |
| 1-1452-20905 .film Outer Avenue LLC (Donuts) | Commitment for “deeper and more extensive verification” [CITE] needs elaboration. Whois data of all registrants should be verified. | | | | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--------------|---|---|---|---|---|-------------------|------------------------|
| 1-1138-87772 .film Charleston Road Registry (Google) | | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | |

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|---|---|--|--|--|--|--------------------|-------------------|--|
| 1-1660-73645 .game Beijing Gamease Age Digital Technology Co. Ltd. | Insufficient verification of Whois accuracy through “spot-checking” (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | | | Closed: “initially allow only a limited number of Eligible Registrant (ER) to apply/ register limited number of second level .GAME domain names. The initial period may be up to 3 years after the launch of .GAME gTLD . The definition of ER will be developed based on CYOU actual business needs with consultation and input from relevant game industry. CYOU itself can serve as an ER.” |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--|---|---|---|--|---|-------------------|---|
| 1-1316-7998 .game Amazon EU | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "all domains registered to Amazon for use in pursuit of Amazon's business goals." |
| 1-1177-24251 .game Dot Game Limited (Famous Four Media) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. The level of verification the registry would require of registrars needs to be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--------------|---|---|---|---|---|-------------------|------------------------|
| 1-1138-34539 .game Charleston Road Registry Inc (Google) | | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Open |

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|--|---|--|--|--|--|--|-------------------|------------------------|
| 1-855-17500 .game Uniregistry, Corp | <p>(1) No provision for “standard” public access Web-based Whois (26.1.3.1)</p> <p>(2) Registrants can opt out of allowing anonymous Whois access (26.1.4)</p> <p>(3) Suppression of some data elements from public disclosure may be offered</p> <p>(4) Verification of Whois data limited to “commercial data hygiene” (28.1.7)</p> | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Offers no opportunity for copyright holder input in developing or implementing policies. | | Open |

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|---|--|------------------------------------|--|---|---------------------|--------------------|---|------------------------|
| 1-1470-40168 .games Foggy Beach LLC (Donuts) | Commitment for “deeper and more extensive verification” (18(a)) (as contrasted with spot check) needs elaboration. Whois data of all registrants should be verified. | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |
| 1-1485-72605 .games[游戏] Spring Fields LLC (Donuts) | Registry right to seek verification of Whois data, but no blanket requirement. “Spot audits of accuracy of Whois data on periodic basis.” (28.12.2) | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

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|---|--|--|--|--|--|--|---|------------------------|
| 1-1522-61364 .juegos Goose Gardens LLC (Donuts) | Commitment for “deeper and more extensive verification” (18(a)) (as contrasted with spot check) needs elaboration. Whois data of all registrants should be verified. | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |
| 1-845-92261 .juegos Uniregistry Corp | (1) No provision for “standard” public access Web-based Whois (26.1.3.1) (2) Registrants can opt out of allowing anonymous Whois access (26.1.4) (3) Suppression of some data elements from public disclosure may be offered (4) Verification of Whois data limited to “commercial data hygiene” (28.1.7) | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Offers no opportunity for copyright holder input in developing or implementing policies. | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--|---|---|---|---|---|-------------------|--|
| 1-1920-39242 .movie Dish DBS Corporation | Insufficient verification of Whois accuracy through "spot-checking" (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Anti-abuse policy does not specifically prohibit intellectual property theft (28) | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "only Applicant, affiliated entities and authorized business partners will be permitted to register second-level domains for Applicant business purposes only for a term of one to ten years." (18.b.iv) |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--|---|---|---|---|---|---|------------------------|
| 1-1803-2593 .movie Motion Picture Domain Registry Pty Ltd (Ariservices) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.3.3.2 does not mention intellectual property violations, although it could be interpreted to cover them. This must be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted |
| 1-1570-42842 .movie New Frostbite, LLC (Donuts) | Commitment for “deeper and more extensive verification” (18(a)) (as contrasted with spot check) needs elaboration. Whois data of all registrants should be verified. | | | | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|---|---|---|---|-------------------|---|
| 1-1316-44615 .movie Amazon EU | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: “all domains registered to Amazon for use in pursuit of Amazon’s business goals.” |
| 1-1296-23277 .movie NU Dot Co LLC | A manual review of a random sample of registrations, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified | No specific provision for input by rightholders in shaping policy/implementation. | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--|--|--|--|--|--------------------|-------------------|------------------------|
| 1-1290-2671 .movie Webdeus Inc (Radix) | Verification of Whois data as described in 28.5.2 is positive but should be expanded to all registrations in this registry due to vulnerability to copyright theft. | | | | | | | Open |
| 1-1180-29599 .movie dot Movie Limited (Famous Four Media) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to copyright theft. The level of verification the registry would require of registrars needs to be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | Copyright not specifically listed as violation of Acceptable Use Policy. This should be clarified. | | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--------------|---|---|---|---|---|-------------------|------------------------|
| 1-1140-55599 .movie Charleston Road Registry Inc (Google) | | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application's fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--|---|---|---|---|---|---|------------------------|
| 1-994-99764 .music Entertainment Names Inc. (TLDH) | Verification of Whois data is required only “pursuant to the terms of ICANN policy,” and any pre-delegation validation is rejected (28.5). This is insufficient for TLDs especially vulnerable to copyright infringement | | | | | Application lacks any for input by rightholders in shaping policy/implementation. | Staffing for anti-abuse mechanisms might be adequate if dedicated to this registry; clearly may be inadequate if spread across all the more than 90 registries for which TLDH seeks delegation and/or for which Minds + Machines proposes to provide back-end services. | Open |
| 1-1680-18593 .music Charleston Road Registry Inc. (Google) | | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application’s fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as abusive behavior. The definition in 28.2 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Restricted |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|---|---|---|---|---|---|
| 1-1571-12951 .music Victor Cross (Donuts) | Commitment for “deeper and more extensive verification” [CITE] needs elaboration. Whois data of all registrants should be verified. | | | | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |
| 1-1316-18029 .music Amazon EU S.à r.l. | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: “all domains registered to Amazon for use in pursuit of Amazon’s business goals.” |
| 1-1175-68062 .music dot Music Limited (Famous Four Media) | A manual review of a random sample, not including verifying any data, is insufficient in the case of a registry that is vulnerable to | Copyright not specifically listed as violation of Acceptable Use Policy. This should be | Copyright not specifically listed as violation of Acceptable Use Policy. This should be | Copyright not specifically listed as violation of Acceptable Use Policy. This should be | Copyright not specifically listed as violation of Acceptable Use Policy. This should be | | | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|----------------------|--------------------------|-----------------------------|----------------------------|---------------------------|--------------------------------|
| | copyright theft. The level of verification the registry would require of registrars needs to be clarified. | clarified. | clarified. | clarified. | clarified. | | | |
| 1-1115-14110 .music DotMusic / CGR E-Commerce Ltd (C. Roussos) | | | | | | | | Community application |
| 1-1058-25065 .music DotMusic Inc. (Radix) | Verification of Whois data as described in 28.5.2 is positive but should be expanded to all registrations in this registry due to vulnerability to copyright theft. | | | | | | | Open |
| 1-959-51046 .music .music LLC (Far Further) | | | | | | | | Restricted (community) |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|---|------------------------------------|--|---|---------------------|--------------------|---|------------------------|
| 1-1621-97265 .software Over Birch LLC (Donuts) | Registry right to seek verification of Whois data, but no blanket requirement. "Spot audits of accuracy of Whois data on periodic basis." | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|--------------|---|---|---|---|---|-------------------|---|
| 1-1317-53837 .song Amazon EU | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "all domains registered to Amazon for use in pursuit of Amazon's business goals." |

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| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--------------------------------------|--------------|---|---|---|---|---|-------------------|---|
| 1-1317-30761 .tunes Amazon EU | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "all domains registered to Amazon for use in pursuit of Amazon's business goals." |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|---|---|---|---|---|--|---|---|---|
| 1-1480-90854 .video Lone Tigers, LLC (Donuts) | Registry right to seek verification of Whois data, but no blanket requirement. "Spot audits of accuracy of Whois data on periodic basis." | | No commitment to audit – complaint-driven. | Single abuse point of contact (no dedicated channel for right holders). All copyright complaints will be routed to sponsoring registrar. One reference to requiring response within 24 hours but not clear this applies to copyright. | | No provision. | Questionable. Demand Media operates back-end registry services. 2 full-time staff members and 1 in-house lawyer dealing with abuse activity. (May be insufficient since 300+ registries applied for.) | Open |
| 1-1317-52344 .video Amazon EU S.à r.l. | | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment of this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Fulfillment this criterion turns on whether use of a domain name to commit or facilitate copyright piracy or counterfeiting is clearly identified as a violation of acceptable use policy. The definition in 28.2.1 does not mention intellectual property violations, although it could be interpreted to cover them. This should be clarified. | Application lacks any provision for input by rightholders in shaping policy/implementation. | | Closed: "all domains registered to Amazon for use in pursuit of Amazon's business goals." |

| Application # String Applicant | #1: Whois | #2: Registrant Certification | #3: Audit | #4: Complaint | #5: Consequences | #6: Policy Seat | #7: Capability | Registration Policy |
|--|--|--|--|--|--|--|--|------------------------|
| 1-1110-29042 .video Top Level Domain Holdings Limited | Verification of Whois data is required only “pursuant to the terms of ICANN policy,” and any pre-delegation validation is rejected (28.5). This is insufficient for TLDs especially vulnerable to copyright infringement | | | | | Application lacks any for input by rightholders in shaping policy/implementation. | Staffing for anti-abuse mechanisms might be adequate if dedicated to this registry; clearly may be inadequate if spread across all the more than 90 registries for which TLDH seeks delegation and/or for which Minds + Machines proposes to provide back-end services | Open |
| 1-855-53391 .video Uniregistry, Corp. | (1) No provision for “standard” public access Web-based Whois (26.1.3.1) (2) Registrants can opt out of allowing anonymous Whois access (26.1.4) (3) Suppression of some data elements from public disclosure may be offered (4) Verification of Whois data limited to “commercial data hygiene” (28.1.7) | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Does not appear to prohibit, as “abusive use,” use of domain name registration to commit or facilitate copyright infringement or counterfeiting. In fact, no intellectual property infringement of any kind is covered. (28.1.2). Thus, unless actionable under trademark RPM’s (e.g., cybersquatting), application offers no protections for right holders. | Offers no opportunity for copyright holder input in developing or implementing policies. | | Open |