

GAC Early Warning – Submittal_City-DE-12139

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| Application ID: | 1-1938-29030; 1-1389-12139; 1-1066-67099 |
| Entity/Applicant Name: | TLD REGISTRY LIMITED; Snow Sky, LLC; DotCity Inc. |
| String: | “.city” |
| Early Warning Issue Date: | 20 November 2012 |

Early Warning Description – This will be posted publicly:

The global connectivity of the internet entails a risk of misinterpretation and misunderstanding within the internet community. In most cases, the average internet user will expect an SLD like “(name of a town).city” to be hosted by the official representation of a local authority, in which its public services and attractions are properly introduced.

Reason/Rationale for the Warning – This will be posted publicly:

The introduction of new generic top-level domains (gTLDs) by ICANN creates new possibilities for various sectors to present themselves on the internet and is therefore basically welcome in terms of a future orientated, globally networked economic policy. The gTLD “.city” offers many chances for local and regional authorities to optimize their presentations in many different fields, and to demonstrate their attractiveness for the local industry and tourism. Furthermore, it provides an efficient promotion tool for small and medium-sized businesses and service providers of various sectors which mainly target an urban market and its local population. Therefore, the government of Germany welcomes the efforts of private-sector companies to establish “.city” as a self-explanatory TLD. Because local and regional governments have a legally protected right to their own name in Germany, their apprehensions about possible misinterpretations in connection with this new gTLD are the concern of the German Government. In this respect the German government observes that the definition of geographic names used in ICANN’s applicant guidebook is not extensive, in particular regarding city names. It therefore appears to be necessary for the registry of a “.city” to develop safeguards that avoid any misinterpretation and confusion for internet users.

Possible Remediation steps for Applicant – This will be posted publicly:

To enhance the protection against any misuse or misinterpretation of geographic names, the German Government suggests an implementation of the following terms as a safeguard within every applicant’s regulations:

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- For all SLDs which contain the name of a city or community the applicant must provide a letter of approval or permission from the respective local authority
- Court decisions concerning the use of city names as SLDs are binding for both registry and registrant, in particular will the SLD in question be treated accordingly.
- If the legal ownership of a SLD is challenged in court, there must be a record at the registry to prevent the current holder from selling on the rights to the SLD, thus making it impossible from the plaintiff to assert his claim

Further Notes from GAC Member(s) (Optional) – This will be posted publicly:

The government of Switzerland supports this EW (see also the attached e-mail correspondence).

INFORMATION FOR APPLICANTS

About GAC Early Warning

The GAC Early Warning is a notice only. It is not a formal objection, nor does it directly lead to a process that can result in rejection of the application. However, a GAC Early Warning should be taken seriously as it raises the likelihood that the application could be the subject of GAC Advice on New gTLDs or of a formal objection at a later stage in the process. Refer to section 1.1.2.4 of the Applicant Guidebook (<http://newgtlds.icann.org/en/applicants/agb>) for more information on GAC Early Warning.

Instructions if you receive the Early Warning

ICANN strongly encourages you work with relevant parties as soon as possible to address the concerns voiced in the GAC Early Warning.

Asking questions about your GAC Early Warning

If you have questions or need clarification about your GAC Early Warning, please contact gacearlywarning@gac.icann.org. As highlighted above, ICANN strongly encourages you to contact gacearlywarning@gac.icann.org as soon as practicable regarding the issues identified in the Early Warning.

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Continuing with your application

If you choose to continue with the application, then the “Applicant’s Response” section below should be completed. In this section, you should notify the GAC of intended actions, including the expected completion date. This completed form should then be sent to gacearlywarning@gac.icann.org. If your remediation steps involve submitting requests for changes to your application, see the change request process at <http://newgtlds.icann.org/en/applicants/customer-service/change-requests>.

In the absence of a response, ICANN will continue to process the application as submitted.

Withdrawing your application

If you choose to withdraw your application within the 21-day window to be eligible for a refund of 80% of the evaluation fee (USD 148,000), please follow the withdrawal process published at <http://newgtlds.icann.org/en/applicants/customer-service/withdrawal-refund>. Note that an application can still be withdrawn after the 21-day time period; however, the available refund amount is reduced. See section 1.5 of the Applicant Guidebook.

For questions please contact: gacearlywarning@gac.icann.org

Applicant Response: