

GAC Early Warning Health-ML-3442

Application ID:	1-868-3442
Entity/Applicant Name:	Afilias Limited
String:	HEALTH
Early Warning Issue Date:	20 November 2012

Early Warning Description – This will be posted publicly:

GAC Member(s) to indicate a description of the Early Warning being filed

The Government of Mali submits this Early Warning to ICANN regarding the proposal to create the Top Level Domain (TLD) .HEALTH, by Afilias Limited. This application is seen as sensitive and problematic due to the need to ensure that the TLD is operated with consumer protection and the public interest in mind.

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

GAC Member(s) to indicate the reason and rationale for the Early Warning being filed.

Health consumers in every country are considered as deserving special protection related to information, products and services that can directly affect their health. National policies for consumer protection are more difficult to enforce online, although they are arguably more important due to the global nature of online commerce. For example, today on unrestricted TLDs there is a global online market for health-related products sold without proper controls (such as counterfeit and tainted products) or regard for laws and regulations (such as sale of medications without prescription). Many developing countries lack the ability to investigate and stop fraud and misuse, and there is a growing concern that an unrestricted health TLD will bypass regulatory controls. A TLD for health that does not have adequate quality assurance mechanisms in place is likely to damage trust in the online health marketplace. This can harm legitimate online services and thereby limit competition and innovation. Such a situation is not in the public interest and is something no country can afford.

In this context, measures to protect consumers are not well enough demonstrated in this application, raising concerns about the ability of the applicant to protect consumers and thereby operate the TLD in the public interest. Moreover, the Government of Mali considers that the TLD has global implications and should therefore be operated in the interests of the global health community, which should have input into its policies.

We also refer to the requests from the World Health Organization, NGOs and others, who wrote to ICANN and the GAC to delay the attribution of the string to allow for consultation with the global health community on operating the TLD in the public interest. The Government of Mali also supports this request.

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Supporting GAC Members (Optional):

X I agree to include the supporting GAC members in the publication of this Early Warning

Argentina	

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

GAC Member(s) to identify possible remediation steps to be taken by the applicant - The applicant should withdraw their application based on the information provided above

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

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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: