



**ICANN: Internet Corporation for Assigned Names and Numbers**

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Dear Mr Cyrus Namazi and Mr Allen Grogan,

As Coordinator of the eNACSO IV project, I wanted to thank you for taking the time to speak to **Mr John Carr** and **Mrs Cristiana De Paoli** on 6<sup>th</sup> November. Here is our draft record of the discussion.

1. eNACSO explained that they were an EU-wide network of children's organizations with a special interest in online child safety.
2. The ICANN officials introduced themselves and explained their roles within ICANN.
3. In response to eNACSO's first question: ICANN confirmed that there were (still) three potential candidates for the *.kids* and *.kid* gTLDs. These are: Google, Amazon and the .Kids Foundation. The matter has not yet been resolved. The process was stalled. Ultimately if the parties could not reach a settlement among themselves the most likely outcome was that the names would be auctioned and thus the matter of who owned what would be resolved solely by who made the highest bid at the auction.
4. At the moment it was not possible to say exactly when the procedures would be completed but likely everything would be finished early in the New Year.
5. ICANN pointed out that all of this information was publicly available on the ICANN web site.
6. eNACSO thanked ICANN for this information but observed that they had not found it very easy to navigate and understand the ICANN web site. In common with many children's organizations, we cannot afford to hire lobbyists or lawyers to watch over these issues or follow them closely on our behalf or explain them to us in a manner that non-specialists would understand. More generally eNACSO observed that they had found it very difficult to engage with ICANN, despite having spoken directly to Fadi Chehadé in person at the Lisbon Euro DIG in June 2013, and having subsequently written a letter to him which has still not been answered.
7. eNACSO asked if any new gTLDs had been approved in languages other than English e.g. in Chinese or Arabic, which were equivalent to *.kids* or *.kid*. The ICANN officials said they did not know but would check and get back to us with an answer.
8. ICANN acknowledged that prior to issuing the [gTLD Applicant Guidebook](#) (Guidebook) they did not seek or obtain any specialist or expert advice in relation to matters which might touch or concern the position of children and young people.
9. They expressed the view that the matters eNACSO were raising were more in the nature of public policy questions where they would look to the GAC to give a lead. Indeed ICANN pointed out that the GAC did make some observations about online child protection issues and these had been adopted.

**eNACSO IV EU Project**

The European NGO Alliance for Child Safety Online  
is a network consisting of Children's rights NGOs  
from across Europe working  
for a safer online environment for children

10. eNACSO said they had seen the GAC's comments but observed: a) these had been made some time after the Guidebook had been issued and the process had started and b) they were very general in nature whereas some of the matters which eNACSO thought needed to be taken into account were quite specific and detailed, although no less important for being that.
11. eNACSO contrasted the treatment of *.kids/.kid* with what had happened with *.xxx*, *.bank*, *.insurance*, *.vin* and perhaps others. In these latter cases substantial commercial interests had become engaged and all manner of detailed negotiations had taken place to safeguard specific interests by laying down careful rules about who might ultimately own a domain name within those gTLDs and the conditions they would have to meet and maintain in order so to do.
12. ICANN pointed out that these agreements about how those gTLDs would function had been determined outwith their own processes and procedures.
13. eNACSO commented that it had rather hoped that, precisely because children and young people had no equivalent rich interlocutors as obviously existed in relation to porn, bank, insurance and the rest, ICANN would have been very ready to accept it had a special responsibility to ensure that, if they were going to initiate a process that would result in new web sites being created which would be a substantial draw or attraction to hundreds of millions of children around the world that the rules governing their ownership and usage would be thoroughly considered so as to ensure that children's and young people's interests were properly safeguarded and met a minimum set of widely acceptable standards.
14. This was because, in respect of children's and young people's interests in the online world, it was a mathematical certainty that were *.kids* or *.kid* or similar domain names to become available for purchase by members of the global public, paedophiles or others with evil intentions towards children would seek to obtain one or more in order to look for ways to exploit them for their own criminal ends.
15. ICANN pointed out that all of their universal terms required that local applicable law always has to be followed. eNACSO observed that there are many jurisdictions where data privacy laws or child protection laws either do not exist at all or they are of a standard which would be considered completely unacceptable in very many countries. It was suggested that these were precisely the jurisdictions that paedophiles or others with bad intentions would seek out because they would calculate that they offered the fewest barriers to their unsavoury plans.
16. eNACSO noted that the Guidebook made it clear that anyone with certain kinds of criminal convictions was not allowed to be party to an application for a new gTLD. eNACSO asked how ICANN had ensured this condition had been met. ICANN replied that they had employed a variety of methods and means but they had done background checks on everyone named in an application for a new gTLD to ensure compliance with that term.
17. eNACSO said they were concerned to ensure that convicted paedophiles were not able to buy or establish their own web sites using a *.kids* or *.kid* domain and that they were not able to end up working for a web site carrying such a domain name. There therefore ought to be a requirement passed on to every entity that owned a *.kids* or *.kid* domain that they must conduct criminal records checks in relation to all relevant employees who might have contact with children on the company's behalf, or might have access to their data.
18. eNACSO pointed out that in many countries if an adult was going to work with children or have regular contact with them there were also a range of training and supervisory/management issues which arose, in addition to matters such as criminal records checks and data privacy concerns. It had been eNACSO's hope that these matters would be addressed by ICANN and written into the terms of conditions of any and every relevant new gTLD so that every Registrar would be under an obligation to ensure that such terms were met by everyone seeking to obtain a domain name sold to them under their auspices.
19. ICANN suggested that this raised issues concerning the content of the web site. eNACSO expressly rejected that idea. The matters they were raising here had absolutely nothing to do

with what content might appear on the website. The issues eNACSO was raising concerned the terms and conditions of ownership and the management of the domain name itself. In a sense they were similar in nature to the terms which ICANN had included in the Guidebook. The difference was one of detail not principle. Our criticism is simply that ICANN overlooked or did not properly consider all of the relevant matters which it ought to have taken into account.

20. eNACSO strongly suggests that ICANN should develop specific guidelines and requirements which will be applied to all domains which expressly target children and young people. In order to do this eNACSO recommends ICANN obtains expert help from individuals or organizations with appropriate backgrounds.

Best Regards

*Flaminia Frinchi*  
Coordinator of eNACSO IV Project