

## GAC Early Warning – Submittal\_\_Reisen-DE-68851

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<b>Application ID:</b>	1-892-71956; 1-1606-68851
<b>Entity/Applicant Name:</b>	dotreise GmbH; New Cypress, LLC
<b>String:</b>	“.reise” / “.reisen”
<b>Early Warning Issue Date:</b>	<b>20 November 2012</b>

### **Early Warning Description – This will be posted publicly:**

In the view of the GAC representatives of Germany, Austria and Switzerland, the two applications for “.reise” and “.reisen” should definitely be treated together in ICANN’s evaluation process.

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

The introduction of new generic top-level domains (TLDs) by ICANN creates new possibilities for various sectors to present themselves on the internet, and is therefore basically welcome in terms of a forward-looking economic policy. An example of this is the two applications for “.reise” and “.reisen” TLDs – the German translation of the English terms “travel” and “travels”. These TLDs will make it possible to bring together travel-related internet content in a specific TLD, thus facilitating access for internet users to sector-specific services from the relevant companies. The governments of Germany, Austria and Switzerland welcome the efforts by private-sector companies to offer a self-explanatory, sector-specific TLD for the German-language travel industry and consumers. Since both TLD applications use a German word, it can be assumed that the TLDs and the second-level domains registered under them will primarily address consumers in the German-speaking countries. Since both initiatives are primarily aimed at the German-speaking market, the court of jurisdiction for legal disputes should be located in a German-speaking country in the interest of legal certainty. Furthermore, when trademarks are affected by the delegation of a Second-Level Domain with “.reise” or “.reisen”, priority should be given to trademarks issued by trademark offices in German-speaking countries. As far as the registration policy for “.reise” or “.reisen” is concerned, it would be necessary to involve German-language tourism associations and businesses as far as possible, since they dispose of valuable market-specific experience which could be of great use for the registration office of a “.reise” or “.reisen” TLD.

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

#### **GAC Member(s) to identify possible remediation steps to be taken by the applicant**

We therefore ask applicants for travel-specific TLDs to demonstrate that safeguards have been implemented in their proposed TLD to protect the various interests described above. In particular we ask the applicants to ensure that their application guarantees that

- only travel-related entities may register a domain name;
- content which is published under any SLD shall have a connection to the German-speaking travel industry and/ or its customers;
- the jurisdiction in case of disputes shall be in a German-speaking country;

- account is taken of existing or future suggestions of the directly or indirectly targeted German-speaking travel industry, appropriate solutions are proposed to it, and agreements are made accordingly.

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

**The governments of Switzerland and Austria support this EW (see also the attached letter and 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](mailto:gacearlywarning@gac.icann.org). As highlighted above, ICANN strongly encourages you to contact [gacearlywarning@gac.icann.org](mailto:gacearlywarning@gac.icann.org) as soon as practicable regarding the issues identified in the Early Warning.

#### **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](mailto: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.

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### 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](mailto:gacearlywarning@gac.icann.org)

### **Applicant Response:**