

New gTLD Subsequent Procedures Working Group

GNSO Community Comment 2 (CC2) on New gTLD Subsequent Procedures Policy Development Process

Public Comment opened between March and June that consisted on an evaluation regarding what changes or additions need to be made to existing new gTLD policy recommendations. The questionnaire sought input on 32+ topics divided in the following work tracks:

- Work Track 1 - Overall Process, Support, and Outreach
- Work Track 2 - Legal, Regulatory and Contractual Requirements
- Work Track 3 - String Contention Objections and Disputes
- Work Track 4 - Internationalized Domains Names and Technical & Operations

NCSG Public Comment Input: NCSG offered input on work tracks 1, 2 and 3.

The importance of granting support for applicants from developing countries, rounds of applications followed by evaluation periods instead of a continuous process, ensuring the freedom of expression of applicants and our belief in a single base agreement applicable to all were some of the points addressed by the comment submitted.

Now: Staff has already organized all the comments received in response to CC2 into each of the work tracks and the Working Group will be reviewing the comments during and after ICANN59.

Geographic Names

Prior to the first round of New gTLDs :

Geographic Names/TLDs related RFCs:

- *RFC 920* - Initial set of Top Level Domains. ARPA, GOV, EDU, COM, MIL and ORG. Also addresses ccTLDs as the two-letter code (alpha-2) identifying a country according to ISO 3166-1.
- *RFC 1032* - (*Domain Administrators Guide*) Describes the use of ISO 3166-1 as the standard list for two-letter country codes. To avoid clashes between the domain name and state codes used by the U.S. Postal Service, stated that requests made by countries to use the three- letter form of country code specified in the ISO-3166 standard would be considered.
- *RFC 1591* - Stated that "IANA is not in the business of deciding what and what is not a country" and reinforced country codes as two-letter codes based on the ISO 3166-1 list.
(No RFC on 3-letter codes. RFC 1591 implicitly considers 3-letters as any other gTLD.)

GAC's Principles Regarding New gTLDs (2007): A document for identifying a set of public policy principles related to the introduction, delegation and operation of the New gTLDs that stated that (a) new gTLD names should respect the sensitivities regarding national, cultural, geographic and religious significance, (b) Icann should avoid Country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities and (c) new gTLDs should not

be confusingly similar to existing ones and, therefore, to avoid confusion with ccTLDs, no two-letter gTLD should be introduced.

GNSO created the Reserved Names Working Group to develop recommendations on reserved domain names on the second and first level for new gTLDs. The WG issued a report also in 2007 with recommendations on Geographic Names that were integrated into the PDP on the Introduction of gTLDs.

- Two-letter names should only be allowed for ccTLDs at the top level. (Rec. 10)
- Geographical Names could not be reserved. Applicants should be able to prove that the use of the proposed string is not in violation of the laws in which the applicant is incorporated and whenever applying for a TLD that incorporates a country, territory or place name should be advised of the GAC principles. (Rec. 20)
- Geographic and geopolitical names should be avoided at all levels until a definition can be adopted. (Rec. 21)

Applicant Guidebook: The subject of Geographic names in the Applicant Guidebook has been introduced and withdrawn of its draft versions over the years. In its published version (2012), the AGB states that a country or territory name is (a) an alpha-3 code listed in ISO 3166, (b) allowing it to be both long-form and small-form name or a translation of it in any language, (c) a short or long-form name with any association with a code that has been defined as exceptionally reserved, (d) separable component of a country name designated on the “Separable Country Names List,” or is a translation of a name appearing on the list, (e) a permutation of any of the mentioned names or (f) a name under which a country is known by an intergovernmental or treaty organization.

First round of applications: Due to the series of revisions the AGB went through, country and territory names ended up being excluded from the first round of New gTLDs, and other geographic names only being permitted under demonstrated support from the appropriate governments.

Cross-Community Working Group on the Use of Country and Territory Names (CWG-UCTN): the main recommendation of the Study Group on the Use of Country and Territory (a ccNSO assembled group) names was the creation of a Cross-Community Working Group whose scope of work included two-letter country codes, three-letter country codes and long and short names of countries listed in ISO 3166-1. The position of the CWG regarding the mentioned subjects is the following:

- Two-letter codes: support in maintaining the status quo of reserving two-letter exclusively for ccTLDs.
- Three-letter codes: No consensus reached.
- Country and Territory names: not within the CWG power to establish an harmonized limitation.

New gTLD Subsequent Procedures Working Group: given that the CWG could not come to a conclusion on a recommended course of action for its future work, GNSO tasked the New gTLD subsequent procedures WG to review and recommend possible changes to GNSO principles, recommendations, and implementation guidance included in the 2007 Final report

of the Introduction of Generic Top-Level Domains. Both the subjects of reserved names and geographic names at the top level are within the scope of the PDP Working Group.

Geonames Webinar: In order to collect input on the subject of Geographic Names at the top Level, the new gTLD Subsequent Procedures PDP WG held a webinar on April 25th with an open invitation to all community members to submit and present positions on the treatment of Geographic Names at the Top Level. The webinar received ten presentations of which four presented solutions such as:

- (a) *Repository of Names of Geographical Relevance*, database into which governments could place names with geographical relevance and where future applicants should research to check for possible clashes with any Term of Geographical Significance and seek for permission from the country who inserted the term before applying for the TLD.
- (b) *Geographic Public Interest Commitment*, meaning that applicants for a term that might conflict with a Geographical Name protected under national law adds to the Registry Agreement a binding rule that would prevent the use of the registry in a way that might confuse the or mislead internet users into thinking the registry has any connection with a National Government or Geographical feature.
- (c) All the names being used to indicate geographic, linguistic or cultural origin should be submitted to a Governmental evaluation in order to obtain a support or non-objection and that Geographic TLDs should have preference in contention cases.
- (d) Allow the utilization of the ISO 3166-1 alpha-3 codes as gTLDs, provided there is governmental support/non-objection and the exclusive use of 2-characters for ccTLDs.

During ICANN59

Cross Community Discussion - Geographic names at the Top-Level

- [Session I](#) - Tuesday 27 June from 17:00 to 18:30 local time
- [Session II](#) - Thursday 29 June from 15:15 to 18:30 local time

What to expect ? These sessions are a follow up to the webinars, which provided background on the history of these issues as well an opportunity to hear the variety of positions held by different members of the ICANN community. At ICANN59, the goal is to work through the proposals from the community and find a path forward for policy development with respect to the use of geographic terms at the top level considering International Laws and granting that the solution does not prevent anyone from applying or affects the rights of others.