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Interim Paper of the Cross-Community Working Group on Use of Names of Countries and Territories as Top Level Domains (CWG-UCTN)

Valideus provides new gTLD consultancy and registry management services to prospective and existing new gTLD registry operators. We co-ordinated over 120 applications for new gTLDs on behalf of a number of applicants all of whom are owners of global brands. Valideus also works with Geo and Community registries to “get the right names into the right hands” through the provisions of registrant validation services.

We welcome the opportunity to comment on the recommendations contained in the Interim Paper of the Cross-Community Working Group on Use of Names of Countries and Territories as Top Level Domains (CWG-UCTN).

Two-Letter Country Codes

We support the preliminary recommendations of the CWG-UCTN that the existing ICANN policy of reserving two-letter codes for ccTLDs be maintained. That support is due to the basis for the recommendation adopted by the CWG-UCTN, namely that this is “consistent with RFC 1591, on a standard established and maintained independently of and external to ICANN and widely adopted in contexts outside of the DNS (ISO-3166-1)”, and that this has provided a stable and predictable policy up to now.

Three-Letter Country Codes

We note that the CWG-UCTN has been unable to reach a consensus position regarding the three-letter codes identified in ISO 3166-1 (the alpha-3 codes), and therefore has made no recommendations on their treatment.

We acknowledge that there is a historical precedent for two-letter codes to be allocated to ccTLDs, as referred to above. No such precedent exists in respect of the alpha-3 codes, and it is recognized in the CWG-UCTN Interim Paper that historically three-character combinations have always been permitted in the DNS. To the extent that precedent exists, therefore, it is for the use of three-letter combinations as gTLDs. There are multiple examples of three-letter terms being used as gTLDs, both for Brand and non-Brand TLDs, including new gTLDs such as .APP, .NYC, .DIY, .SAP and .PET, and the legacy gTLDs, such as .NET, and .ORG. Furthermore, prior to the 2012 New gTLD Round, there appears to have been no policy of reserving the alpha-3 codes. The clearest demonstration of this is the .COM gTLD, “COM” also being the officially-assigned alpha-3 code for Comoros. The fact that .COM has been in longstanding use and is the largest by far of the TLDs demonstrates the impossibility of now attempting to create any consistent and predictable usage of the alpha-3 codes as ccTLDs.

It has been argued by some members of the community that to allow alpha-3 codes to be used as gTLDs would give rise to a risk of confusion with the corresponding countries and the ccTLDs. No evidence has been presented to substantiate this argument, and, further, it presupposes that these terms serve to designate the country in question and have no other meaning. A cursory review of the list of alpha-3 codes demonstrates the fallacy of this argument. The listed three-letter combinations include common words, such as CAN, CUB and VAT; commonly-used acronyms, such as IOT (internet of things) and IDN (Internationalized Domain Name), commonly-used abbreviations such as GEO (geographic) and brands such as MNG. In some cases and contexts, the “alternative” meaning will likely be viewed as the primary one.

It is our view that all three-letter terms should be eligible for use as gTLDs, irrespective of whether they are on the ISO 3166-1 list or not. There is no justification and basis under international law or by precedent for reserving three-letter codes either to prevent use or for use as ccTLDs.

Future Work

We support closing the CWG-UCTN, and the recommendations 1, 2 and 4. Considering the complexity and sensitivity of the issues surrounding the use of geographic names, we strongly support recommendation 2, that all policy efforts relating to geographic names should be consolidated and reviewed in one place, rather than in silos.

Regarding recommendation 3, we believe that each of alternatives A, B and C have some scope for ambiguity and differences of interpretation depending on one's viewpoint. This appears to be a result of the difficulty in reaching a consensus position and the attempts, albeit unsuccessful, to find a form of compromise language which all working group participants could support. Of the three, we would favour alternative A, in the form as it is set out in the Executive Summary, namely:

“Future work should take place with the authority of a policy development process under ICANN's Bylaws, with a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.”

We also strongly support that this consolidated discussion should take place within the Subsequent Procedures PDP. The treatment of geographic names in the widest sense at the top level is already within the scope of the charter for this PDP and the PDP working group is already actively engaged in its deliberations on other policy issues. Members of the ccNSO, GAC and ALAC are encouraged to participate in GNSO PDPs, and some already do participate in Subsequent Procedures.

In recognition that some have expressed concerns about the extensive number of topics being dealt with by the Subsequent Procedures PDP, we would support the creation of a working track to focus specifically on geographic names issues, if considered appropriate.

Thank you for considering these points.

Yours sincerely,

Susan Payne
Head of Legal Policy
Valideus Ltd

28-30 Little Russell Street
London WC1A 2HN
T: +44 7421 8299 W: www.valideus.com