

Supplemental Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Work Track 5 on Geographic Names at the Top Level)

<https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en>

Deadline 1 February 2019 23:59 UTC

Introduction & Overarching Comments

The undersigned Registry Operators (Group of Registries) would like to provide the following comments to the New gTLD Subsequent Procedures Policy Development Process (Work Track 5 on Geographic Names at the Top Level). These comments supplement and expand on those submitted by the Registry Stakeholder Group.

Despite our willingness to adhere to many previously-developed practices out of respect for the compromises that got us there, the Group of Registries supports developing policy based on International law only. National laws, policies, norms, and values are highly variable. Requiring applicants to adhere to a superset of national laws could unduly restrict the release of TLDs that are non-controversial in the jurisdiction of the applicant and have a chilling effect on speech. Individual applicants are subject to their own national laws and should comply accordingly.

Signed:

Uniregistry

Minds + Machines Group

Top Level Design

Amazon Registry Services

Employ Media LLC

Recommendations, Options and Questions

Preliminary Recommendation 1
As described in recommendations 2-9, Work Track 5 recommends, unless or until decided otherwise, maintaining the reservation of certain strings at the top level in upcoming processes to delegate new gTLDs. As described in recommendations 10-13, Work Track 5 recommends, unless or until decided

otherwise, requiring applications for certain strings at the top level to be accompanied by documentation of support or non-objection from the relevant governments or public authorities, as applicable.⁴⁰

Comment:

The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 2

Work Track 5 recommends continuing to reserve all two-character⁴¹ letter-letter ASCII combinations at the top level for existing and future country codes.

- The starting point of this recommendation is Section 2.2.1.3.2 String Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, which states, “Applied-for gTLD strings in ASCII must be composed of three or more visually distinct characters. Two-character ASCII strings are not permitted, to avoid conflicting with current and future country codes based on the ISO 3166-1 standard.”
 - Work Track 5’s recommendation specifically addresses letter-letter combinations because the focus of Work Track 5 is on geographic names. Work Track 5 considers letter-letter combinations to be within the scope of this subject area.
 - Work Track 5 notes that Work Track 2 of the New gTLD Subsequent Procedures PDP Working Group is considering two-character letter-number combinations and two-character number-number combinations.
- This recommendation is consistent with the GNSO policy contained in the Introduction of New Generic Top- Level Domains policy recommendations from 8 August 2007. It is also consistent with provisions in the 2012 Applicant Guidebook.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises

that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 3

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.i:

- alpha-3 code listed in the ISO 3166-1 standard.

Work Track 5 is not proposing to remove from delegation any 3-letter codes that have already been delegated.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation

Comment:

The Group of Registries strongly opposes any policy of reserving 3-character codes and is of the opinion that all 3-character codes (ASCII as well as IDN) should be eligible for the use as gTLDs, regardless of whether they are listed as alpha-3 codes on the ISO 3166-1 list. This is consistent with comments previously submitted by the Registry Stakeholder Group to the CWG-UCTN.

The Group of Registries is of the opinion that there are no valid reasons that justify a process or policy of reserving 3-letter codes:

- There is no basis for countries or country-code operators to claim sovereignty or ownership rights over 3-character codes.
- Using 3 characters or more for gTLDs and reserving 2 characters for ccTLDs is consistent with current practice of the domain name system.
- There exist several 3-character gTLDs while there are no examples of 3-character strings that are used as a ccTLD. Reserving 3-character strings for use by governments, public authorities or other entities risks creating confusion.

Only in a limited number of cases where international law, or other agreed upon restrictions dictate an exception, should restrictions on the

use of a particular 3-character string for a gTLD be allowed (for example the use of “www”).

Preliminary Recommendation 4

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.ii:

- long-form name listed in the ISO 3166-1 standard.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 5

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iii:

- short-form name listed in the ISO 3166-1 standard.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 6

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iv:

- short- or long-form name association with a code that has been designated as “exceptionally reserved”⁴² by the ISO 3166 Maintenance Agency.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top- Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 7

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.v:

- separable component of a country name designated on the “Separable Country Names List.” This list is included as an appendix to the 2012 Applicant Guidebook.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which were reserved in the 2012 Applicant Guidebook. Please see questions for community input in section e.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 8

Work Track 5 recommends clarifying 2012 Applicant Guidebook section 2.2.1.4.1.vi, which designates the following category as a country and territory name which is reserved at the top level and unavailable for delegation:

- permutation or transposition of any of the names included in items (i) through (v). Permutations include removal of spaces, insertion of punctuation, and addition or removal of grammatical articles like “the.” A transposition is considered a change in the sequence of the long or short-form name, for example, “RepublicCzech” or “IslandsCayman.”

Work Track 5 recommends clarifying that permutations and transpositions of the following strings are reserved:

- long-form name listed in the ISO 3166-1 standard.
- short-form name listed in the ISO 3166-1 standard.
- short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency.
- separable component of a country name designated on the “Separable Country Names List.” This list is included as an appendix to the 2012 Applicant Guidebook.

Strings resulting from permutations and transpositions of alpha-3 codes listed in the ISO 3166-1 standard should be allowed.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation clarifies the text from the 2012 Applicant Guidebook and updates the policy to be consistent with Work Track 5’s interpretation of 2012 Applicant Guidebook section 2.2.1.4.1.vi.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 9

Work Track 5 recommends continuing to consider the following category a country and territory name which is reserved at the top level and unavailable for delegation, as stated in the 2012 Applicant Guidebook section 2.2.1.4.1.vii:

- name by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 10

Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for any string that is a representation of the capital city name of any country or territory listed in the ISO 3166-1 standard.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation. As currently written, the recommendation does not address the issue of translations of these strings, which required support/non-objection in the 2012 Applicant Guidebook. Please see questions for community input regarding translations in section e.

Comment:

The Group of Registries does not support restrictions on the use of terms that match capital and other city or territory names. We object to the requirement for letters of support or objection for Recommendations 10-13, but if the community prefers to keep the requirements, we propose that the following requirement (Applicant Guidebook 2.2.1.4.2(2)) apply to all names which match city (including capital city) names “[a]n application where the applicant declares that it intends to use the gTLD for purposes associated with the city name.”

Preliminary Recommendation 11

Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name. An application for a city name will be subject to the geographic names requirements (i.e., will require documentation of support or non-objection from the relevant governments or public authorities) if: (a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

Comment:

See comment on recommendations 1 and 10.

Preliminary Recommendation 12

Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for any string that is an exact match of a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard.

The 2012 Applicant Guidebook provisions related to this category are inconsistent with the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Preliminary Recommendation 13

Work Track 5 recommends continuing to consider the following category a geographic name requiring government support at the top level. Applications for these strings must be accompanied by documentation of support or non-objection from the relevant governments or public authorities:

- An application for a string listed as a UNESCO region⁴³ or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.

In the case of an application for a string appearing on either of the lists above, documentation of support will be required from at least 60% of the respective national governments in the region, and there may be no more than one written statement of objection to the application from relevant governments in the region and/or public authorities associated with the continent or the region.

Where the 60% rule is applied, and there are common regions on both lists, the regional composition contained in the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” takes precedence.”

The 2012 Applicant Guidebook provisions related to this category are inconsistent the GNSO policy recommendations contained in the Introduction of New Generic Top-Level Domains from 8 August 2007. This recommendation makes the policy consistent with the 2012 Applicant Guidebook, and therefore represents a change to the existing policy recommendation.

Comment:

See comment on recommendation 1: The Group of Registries supports Recommendations 1,2 and 4-13 out of respect for the compromises that got us there. Our support for recommendation 10 is as qualified in our comment on that recommendation. We do not support Preliminary Recommendation 3, for the reasons stated below in that section. Generally, the provisions in the original Applicant Guidebook related to geographic names were developed after significant discussion and compromise in the community. They have been largely effective, albeit with some well-known and significant exceptions. The Group of Registries supports maintaining the status quo to a large extent because it reflects both this compromise and the actual experience from the last round. Alternatively, the Group of Registries would support changes that reduced the existing level of restrictions or requirements as we note that there is no legal basis to withhold the strings in recommendations 1-9 and to require letters of support or non-objection in recommendations 10-13; recommendations 1-13 reflect the compromise nature of the Guidebook.

Question e1

Work Track 5 encourages feedback from applicants or other stakeholders who were involved in the 2012 round. Work Track 5 is particularly interested in hearing about the experiences of the following groups and individuals:

- Applicants who applied for terms defined as geographic names in the 2012 Applicant Guidebook, as well as those who considered applying for such strings but chose not to apply.
- Applicants who applied for terms not defined as geographic names in the 2012 Applicant Guidebook but who had experiences in the process related to the geographic connotations of the applied-for string.
- Other parties who raised objections to an application, provided support for an application, or otherwise engaged during the course of the application process for applications in the two categories above.

Please share any positive or negative experiences, including lessons learned and areas for improvement in subsequent procedures. Please see deliberations section f.1.2.5 on pages 36-41 for context on this question.

Comment:

No comment

Question e2

The definition of the term “geographic name” could impact development of policy and implementation guidance, as well as program implementation details, such as guidance for the Geographic Names Panel in the New gTLD application process. In your view, how should the term “geographic name” be defined for the purposes of the New gTLD Program? Should there be any special requirements or implications for a term that is considered a “geographic name”? Is “geographic name” the appropriate term to use in this context, as opposed to, for example, “term with geographic meaning”? Why or why not? Please see deliberations section.1.2.4 on pages 34-36 for context on this question.

Comment:

Keep Applicant Guidebook Section 2.2.1.4.2, subject to the qualification set out in our comments on recommendation 10.

Question e3

Work Track 5 has discussed different types of mechanisms that can be used to protect geographic names in the New gTLD Program. These mechanisms fall broadly into two categories, noting that the categories are not mutually exclusive and measures from both categories can be used in combination:

- Preventative: Measures in this category include reserving certain strings to make them unavailable for delegation or requiring letters of support/non-objection from relevant governments or public authorities, either in all cases or dependent on intended usage of the TLD.
- Curative: Measures in this category include objection mechanisms, contractual provisions incorporated into the registry agreement, enforcement of those provisions, and post-delegation dispute resolution mechanisms.

In your view, what is the right balance or combination of preventative and curative rights mechanisms in relation to protection of geographic names in the New gTLD Program? Please see deliberations section f.1.2.2 on pages 28-29 for context on this question.

Comment:

See comments on recommendations 1 and 10. The balance is generally right and should be maintained. If the WT disagrees that there are sufficient balanced protections in place, then it should explore curative measures rather than preventative measures.

Question e4

Work Track members have considered a series of principles that may be used to guide the development of future policy on geographic names. The principles were discussed in the context of city names and terms not included in the 2012 Application Guidebook, but they may be applicable more broadly. Proposed principles include:

- In alignment with [Principle C](#) from the 2007 GNSO recommendations on new gTLDs, the program should allow for the introduction of new gTLDs.
- In alignment with [Principle A](#) from the 2007 GNSO recommendations on new gTLDs, enhance the predictability for all parties.
- Reduce the likelihood of conflicts within the process, as well as after the process concludes and TLDs are delegated.
- Policies and processes should be simple to the extent possible.

Do you support these principles? Why or why not? Are there additional principles that Work Track 5 should consider? Please explain. Please see deliberations section f.1.3 on pages 42-43 for context on this question and additional discussion of these principles.

Comment:

The Group of Registries supports these principles and believe our comments are aligned with them. We are concerned that over-application of the principles may lead to undesirable outcomes and caution that the WT use the principles as overarching guidance only - they are not the only measure by which we will evaluate policy. (For instance, some WT proposals might enhance predictability but are otherwise not supported by any basis in law or policy. The fact that a proposal ticks that box should not be substitute for good judgement.)

Question e5

To what extent should the following serve as a basis for the development of policies regarding geographic names?

- International law
- National/local law and policy
- Norms and values (please specify)
- Another basis not categorized above (please specify)

Please explain. Please see deliberations section f.1.2.1 on pages 25-28 and section f.1.2.3 on pages 29-34 for context on this question.

Comment:

The Group of Registries supports developing policy based on International law only. National laws, policies, norms, and values are highly variable. Requiring applicants to adhere to a superset of national laws could unduly restrict the release of TLDs that are non-controversial in the jurisdiction of the applicant and have a chilling effect on speech. Individual applicants are subject to their own national laws and should comply accordingly.

Question e6

In the 2012 Applicant Guidebook, a string was considered unavailable if it was a translation in any language of the following categories of country and territory names:

- long-form name listed in the ISO 3166-1 standard.
- short-form name listed in the ISO 3166-1 standard.
- separable component of a country name designated on the “Separable Country Names List.”
- In developing recommendations for future treatment of country and territory names, Work Track 5 has considered several alternatives related to translation:
 - continue to reserve as unavailable translations in any language
 - reserve as unavailable translations in UN languages
 - reserve as unavailable translations in UN languages and the official languages of the country
 - reserve as unavailable translations in official languages of the country
 - reserve as unavailable translations in official and commonly used languages
 - reserve as unavailable translations in official and relevant national, regional, and community languages
 - a combination of two or more categories above

In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above? Please see deliberations section f.2.2.1.2 on pages 46-48 for context on this question.

Comment:

The Group of Registries supports making the following unavailable.

- long-form name listed in the ISO 3166-1 standard.
- short-form name listed in the ISO 3166-1 standard.
- separable component of a country name designated on the “Separable Country Names List.”

AND

- reserve as unavailable translations in the official languages of the country

The current restrictions are not based in international law and so further extending the reach to translations in any languages is overly broad.

Question e7

Some Work Track members have expressed that there should be a process in place to delegate 3-letter codes and/or other country and territory names to specific parties, such as relevant governments and public authorities or other entities. Do you believe that this is an issue on which Work Track 5 should make a recommendation? Please see deliberations section f.2.2.1.1 on pages 45-46 for context on this question.

Comment:

See comment on Recommendation 3. The Group of Registries does not support reserving 3-letter codes, whether entirely or for use only by specific parties such as governments and public authorities.

Question e8

In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for any string that is a representation, in any language, of the capital city name of any country or territory listed in the ISO 3166-1 standard” (emphasis added). In developing recommendations for future treatment of capital city names, Work Track 5 has considered several alternatives related to the “in any language” standard:

- translations in UN languages
- translations in UN languages and the official languages of the country
- translations in official languages of the country
- translations in official and commonly used languages
- translations in official and relevant national, regional, and community languages
- translations in “principal languages” where the principal languages are the official or de facto national
- languages and the statutory or de facto provincial languages of that country
- a combination of two or more categories above

In your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above? Please see deliberations section f.2.3.1 on pages 56-59 for context on this question.

Comment:

The Group of Registries does not believe applicants should be required to get letters of support or non-objection for capital city names. However, if such letters are required the translations should only be in the official languages of the country, and only if the intended use is for purposes associated with the capital city name.

Question e9

In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.” The requirement applied if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” Do you think that this requirement should be kept, eliminated, or modified in subsequent procedures? Please explain. Please see deliberations section f.2.3.2 on pages 59-69 for context on this question.

Comment:

The Group of Registries does not believe applicants should be required to get letters of support or non-objection for city names. However, if such letters are required the intended use requirement should remain.

Question e10

Section f.2.3.2 of this report outlines a series of proposals that Work Track members have put forward for the future treatment of non-capital city names. What is your view of these proposals? Are there any that you support Work Track 5 considering further? Do you have alternate proposals you would like Work Track 5 to consider? Please explain. Please see deliberations section f.2.3.2 for context on this question.

Comment:

See comments with each proposal.

Question e11

In the 2012 round, the Applicant Guidebook listed categories of terms that were considered geographic names and had specific rules (see section b for additional information about these categories).

- Some Work Track members have expressed support for protecting/restricting additional categories of geographic names in future versions of Applicant Guidebook.
- Some Work Track members have expressed that no additional types of terms should be protected/restricted beyond those included in the 2012 Applicant Guidebook.
- Some Work Track members have expressed that compared to the 2012 round, fewer types of terms should be protected/restricted in subsequent procedures.

Work Track members who support including additional terms in the Applicant Guidebook have proposed protecting/restricting the following categories:

- Geographic features (rivers, mountains, etc)
- Names of additional sub-national and regional places not included in the 2012 Applicant Guidebook
- Non-ASCII geographic terms not included in the 2012 Applicant Guidebook
- Any term that can be considered geographic in nature
- Geographical Indications

Two Work Track members stated that currency codes listed under ISO 4217 should be protected as geographic names. A number of other Work Track members responded that they do not view these codes as geographic names, and believe that such codes are therefore out of scope, noting that the broader issue of reserved names is in scope for the full New gTLD Subsequent Procedures PDP Working Group.

Should additional types of strings have special treatment or rules in the Applicant Guidebook? If so, which ones and on what basis? Can the scope of the category be effectively established and limited? What are the boundaries of the category? If not, why not? As opposed to preventative restrictions, would any changes to objections, post-delegation mechanisms, or contractual provisions mitigate concerns related to these strings? Please see deliberations section f.2.4 on pages 72-78 for context on this question.

Comment:

The Group of Registries does not support expanding the list of “geographic” terms at all. We agree with the WT members that believe ISO 4217 is firmly out of scope.

Proposal 1 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

Develop an online tool for prospective applicants. The searchable tool indicates whether a string is eligible for delegation and whether there are issues that require further action (for example obtaining a letter of support or non-objection from relevant governments or public authorities). This could be a stand-alone tool or a function integrated into the application system that flags if a term is geographic and has special requirements/restrictions.

Comment:

The Group of Registries does NOT support. The rules should be sufficiently clear that such a tool adds no value.

Proposal 2 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

GAC members could assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.

Comment:

We don't support the need for letters, but if letters are needed, we support.

Proposal 3 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

If government support/non-objection is required for an application, provide mediation services to assist if the applicant disagrees with the response received by a government or public authority.

Comment:

The Group of Registries does NOT support.

Proposal 4 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

Establish a program to heighten the awareness of governments and others regarding the gTLD program so that they will be more likely to seek or support a registration for the relevant geographic name. This could be accompanied by structured support and advice to maximize the opportunities for future applicants for geographic names.

Comment:

The Group of Registries supports this concept as part of the overall communications plan. We believe a separate program is unnecessary.

Proposal 5 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

In any circumstance where a letter of support or non-objection is required from a relevant government authority, establish a deadline by which the government must respond to the request. If no response is received, this is taken as non-objection.

Comment:

The Group of Registries supports this recommendation and consider it should be in conjunction with Proposal #2.

Proposal 6 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

Once a gTLD is delegated with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for application by any entity or person. Objection procedures could potentially still apply.

Comment:

We can see some merit in this proposal. Rather than having certain permutations/transpositions and translations permanently reserved, or permanently subject to a precondition of governmental approval/non-objection, once the claimed interests of the particular community have been met by the delegation of a TLD which is intended to represent that locality then other permutations/transpositions and translations are no longer required for that purpose and could be made available for use. We do not agree with the use of the term “unconditionally”, which is misleading since all TLD applications are subject to conditions.

Proposal 7 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

An applicant for a string with geographic meaning must provide notice to each relevant government or public authority that the applicant is applying for the string. The applicant is not required to obtain a letter of support or non-objection. This proposal relies on curative mechanisms to protect geographic names in contrast with support/non-objection requirements that are preventative in nature. Each government or public authority has a defined opportunity to object based on standards to be established. The right to object expires after a set period of time. Objections are filed through one of the existing objection processes or a variation on an existing process. A set of standards would need to be established to determine what constitutes a relevant government or public authority. This proposal could apply to all or some of the categories of geographic names included in the 2012 Applicant Guidebook.

Comment:

The Group of Registries does NOT support. There are too many variables and ambiguities.

Proposal 8 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

If an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or non-objection, the applicant should be required to obtain a letter of government support/non-objection. As an example, a common misspelling of a geographic name would be considered confusingly similar.

Comment:

The Group of Registries does NOT support. In the event that the government intended to apply for their TLD, the String Confusion Objection Process could be used to these ends. Otherwise, where the government was not using the TLD in question, we do not believe there would be risk of confusion such that a letter of non-objection should be required.

Proposal 9 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract that specifies conditions rather than there being an assumption that the contract will be renewed.

Comment:

The Group of Registries does NOT support. The Registry Agreement is a contract between ICANN and a Registry Operator and opening it up to third parties to state new terms at the end of the contract period would create significant commercial unpredictability and risk to an applicant who had built its business around use of a particular string.

Proposal 10 – general measures proposed to improve the New gTLD Program (see deliberations section f.1.2.5 for context)

A TLD associated with geography should be incorporated within the jurisdiction of the relevant government and subject to local law.

Comment:

The Group of Registries does NOT support. We believe that the existing choice of law provisions provide registries with the requisite level of commercial predictability that would not be met by subjecting it to a different law simply due to its association with geography. This change would inappropriately suggest governments have sovereignty over geographic terms for which there is no precedent in international law. Further, a TLD may be relevant to many geographies creating confusion as to which law should apply.

Proposal 11 – country and territory names (see deliberations section f.2.2.2 for context)

Delegate alpha-3 codes on the ISO 3166 Part 1 standard as gTLDs with the requirement of government support/non-objection until a future process is designed specifically for the delegation of three-character codes.

Comment:

The Group of Registries does NOT support - no additional process is needed (per our previous comment)

Proposal 12 – country and territory names (see deliberations section f.2.2.2 for context)

Delegate alpha-3 codes on the ISO 3166 Part 1 standard as gTLDs with the requirement of government support/non-objection only in cases where the applicant intends to use the TLD as it relates to the geographic meaning of the term. For all other cases, the TLD should be available with no letter of support/non-objection.

Comment:

The Group of Registries does NOT support - no additional process is needed (per our previous comment). However, if and to the extent that the working group decides that some level of restriction is required in respect of these terms then we would support this Proposal 12 in preference to maintaining these terms as permanently reserved.

Proposal 13 – country and territory names (see deliberations section f.2.2.2 for context)

The ISO should not be the source of 3-character strings used by ICANN to identify geographic names

Comment:

We do not understand what is intended by this proposal, it is insufficiently clear.

Proposal 14 – country and territory names (see deliberations section f.2.2.6 for context)

Individual governments should be asked which permutations should be reserved in connection with a corresponding country or territory name.

Comment:

The Group of Registries does NOT support. As seen when ICANN solicited a list of the reserved names from IGOs, the process resulted in the reservation of several names that should not have been reserved in accordance with the standard set. This proposal would allow governments undue discretion to expand the names required to be reserved.

Proposal 15 – country and territory names (see deliberations section f.2.2.7 for context)

As long as a country can provide substantial evidence that the country is recognized by a name, the term should be included under the reserved names category “A name by which a country is commonly known.”

Comment:

The Group of Registries does not support. Certainty for all parties is better met by retaining the requirement that it be a name by which the country is recognized in an intergovernmental or treaty organization.

Proposal 16 – country and territory names (see deliberations section f.2.2.7 for context)

Add translations “in any language” to the category of reserved names “A name by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization.”

Comment:

The Group of Registries does NOT support.

Proposal 17 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.1 for context)

Require support/non-objection for capital city names only if the applicant intends to use the gTLD for purposes associated with the capital city name.

Comment:

This is fine, see our comment above (e8); prefer proposal 18.

Proposal 18 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.1 for context)

Eliminate support/non-objection requirements for capital city names.

Comment:

The Group of Registries supports this proposal.

Proposal 19 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Maintain provisions included in the 2012 Applicant Guidebook that require applicants to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the cityname.” The requirement applies if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” As with other applications, curative measures available include objections processes, use of Public Interest Commitments, contractual provisions and enforcement, and post-delegation dispute resolution.

Comment:

Subject to comments on recommendation 10, the Group of Registries supports this proposal.

Proposal 19, Variant 1 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Variant 1: Implement provisions to prevent misrepresentation. Applicants who intend to represent a connection to the authority of a non-capital city will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of non-capital city names, protections will be enhanced by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term. This proposal changes the standard for when a letter is needed for non-capital city names from usage associated with the city name to usage intended to represent a connection to the authority of the non-capital city name. This proposal increases contractual requirements and therefore enhances protections for geographic places.

Comment:

The Group of Registries does NOT support. Individual applicants may choose to adopt contractual restrictions, either at application or in response to an objection, but this should not be something which is imposed.

Proposal 19, Variant 2 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Variant 2: Change the text of part (a) describing when support/non-objection applies. Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) The Geographic Names Panel determines that the foreseeable use of 2nd level domains by registrants will be to a significant degree for purposes associated with the city name.”

Comment:

The Group of Registries does NOT support.

Proposal 19, Variant 3 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Variant 3: Change the text of part (a) describing when support/non-objection applies. Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) The applicant is able and will confirm that neither he nor his sales channel will use the TLD as a geographic identifier.”

Comment:

The Group of Registries does NOT support

Proposal 20 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Eliminate preventative protections for non-capital city names and focus instead on curative protections. All parties may raise issues with an application using objections. No letters of support or non-objection are required from governments or public authorities. Applicants may include evidence of support in an application. Groups, individuals, and other parties, including governments, may file objections to applications. Objections by all parties must refer to international law, domestic law, ISO standards or other objective measures that are relevant to the applicant and the application. Applicants take responsibility for ensuring that they submit applications which address those points and avoid an objection. Objectors pay to make the objection and submit any objections within appropriate time frames. Evaluators take objections into account in the evaluation and may discard objections. Work Track 5 has not yet discussed whether this proposal could rely exclusively on existing objections mechanisms, or if it would require change to existing objections mechanisms or addition of new objections mechanisms.

Comment:

The Group of Registries supports this proposal.

Proposal 21 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Always require a letter of support or non-objection from the relevant governments or public authorities for non-capital city names regardless of intended use.

Comment:

The Group of Registries does NOT support.

Proposal 22 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Give small cities, towns, and geographic communities the first right to apply for a TLD associated with the place.

Comment:

The Group of Registries does NOT support.

Proposal 23 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Develop a list of large cities around the world that require applicants obtain letters of support or non- objection from the relevant governments or public authorities for strings on this list, regardless of the way the applicant intends to use the string. The list of large cities could be developed based one of the following standards or a combination of these standards:

- Absolute population of the city: the city has a certain minimum population, for example 500,000 residents or 1,000,000 residents.
- Relative population of the city: the city is relatively large by population compared to other cities in the country or sub-national region, for example it is one of the 10 largest cities in a country or 3 largest cities in a sub-national region.
- Percentage of a country’s population: The city holds a certain minimum percentage of the country's population.

Comment:

The Group of Registries does NOT support.

Proposal 24 – names requiring government support/non-objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Each country decides what it considers to be a city within its own country based on national laws and policies. If the country determines that a place fits in the “city” category, the applicant must obtain support/non-objection from the government. A variant on the above proposal proposes that each country designates a set number of cities that they consider to be particularly significant. City names on the resulting list are subject to support/non-objection by the relevant governments or public authorities.

Comment:

The Group of Registries does NOT support.

Proposal 25 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Reserve non-capital city names that have “global recognition.” If a city wants apply for a gTLD, it can apply for a string containing the name of the city followed by the applicable country code. This would allow multiple cities with the same name located in different countries to obtain a gTLD.

Comment:

The Group of Registries does NOT support.

Proposal 26 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.2 for context)

Raise awareness and increase knowledge among potential applicants about the opportunity to apply for TLDs.
This proposal does not impact the level of protection/restriction and could supplement any of the above proposals.

Comment:

The Group of Registries can support the proposal as part of a wider communication plan.

Proposal 27 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)

Eliminate support/non-objection requirements for sub-national place names, such as counties, provinces, or states listed in ISO 3166 Part 2 standard.

Comment:

The Group of Registries supports this proposal.

Proposal 28 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)

Applicants who intend to represent a connection the authority of a sub-national place will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.

Comment:

The Group of Registries does NOT support. Individual applicants may choose to adopt contractual restrictions, either at application or in response to an objection, but this should not be something which is imposed

Proposal 29 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.3 for context)

If the string corresponds to a sub-national place name, such as a county, province, or state listed in ISO 3166 Part 2 standard, but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.

Comment:

The Group of Registries can support, but we prefer proposal 27.

Proposal 30 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)

Eliminate support/non-objection requirements for strings listed as UNESCO Regions or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.

Comment:

The Group of Registries supports this proposal.

Proposal 31 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)

Applicants who intend to represent a connection the authority of a UNESCO region, or region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.

Comment:

The Group of Registries does NOT support. Individual applicants may choose to adopt contractual restrictions, either at application or in response to an objection, but this should not be something which is imposed

Proposal 32 – names requiring government support/non- objections from the 2012 AGB (see deliberations section f.2.3.4 for context)

If the string corresponds to a name listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.

Comment

The Group of Registries strongly prefers Proposal 30, but is ok with this proposal as a backup.

Proposal 33 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

Apply a clear and unambiguous rule that any geographic term that is not explicitly and expressly protected is unprotected. A lack of letter of support/non-objection alone will not be a cause to hinder or suspend an application for such unprotected term.

Comment:

The Group of Registries supports this proposal, provided that the list of what's protected ends up being clear and reasonable and not over-reaching.

Proposal 34 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

Provide an advisory panel that applicants could contact to assist in identifying if a string is related to a geographic term. The panel could also help applicants identify which governments and/or public authorities would be applicable. Alternately, the Geographic Names Panel used to evaluate whether an applied for string was a geographic TLD in the 2012 round could be made available to advise applicants before they submit applications.

Comment:

The Group of Registries does NOT support.

Proposal 35 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

Maintain a repository of geographic names reflecting terms that governments consider sensitive and/or important as geographic names. Countries and territories could contribute terms to this repository but it would not require binding action on the part of potential applicants.

Comment:

The Group of Registries does NOT support.

Proposal 36 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic location. GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.

Comment:

The Group of Registries does NOT support.

Proposal 37 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

Require that an applicant demonstrates that it has researched whether the applied-for string has a geographic meaning and performed any outreach deemed necessary by the applicant prior to submitting the application. The proposal would be in addition to the existing measures related to the Geographic Names Panel.

Comment:

The Group of Registries does NOT support.

Proposal 38 – terms not included in the 2012 Applicant Guidebook (see deliberations section f.2.4 for context)

If the applicant is applying for a geographic name, including terms not listed in the 2012 Applicant Guidebook, the applicant is required to contact/consult with the relevant government authority and provide evidence that it has done so.

Comment:

The Group of Registries does NOT support.