**Cross Community Working Group on the Use of Country and Territory Names as top-level domains**

Overview of Responses on 3-character codes – Question 5-7 (as of 15 December 2015)

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|  | *5. In future, should all IDN three-character strings be reserved exclusively as ccTLDs and be ineligible as IDN gTLDs? What would be the advantage or disadvantage of such a policy?* | *6. In future, should there be unrestricted use of IDN three-character strings if they are not in conflict with existing TLDs or any applicable string similarity rules? What would be the advantage or disadvantage of such a policy?* | *7. Do you have any additional comments that may help the CWG-UCTN in its discussion on three-character strings as top-level domains?* |
| **Registry Stakeholder Group** | No. For the same reasons as given above, such 3-character strings should only be unavailable for use as IDN gTLDs where this is a matter of international law [or there is a GNSO policy restricting the use of such strings]. Since such 3-character gTLDs already exist, imposing such a restriction now might even result in consumer confusion. | Yes. This would provide greater choice of available strings, encouraging the expansion of IDN gTLDs. | Any restrictions on the availability of such strings for use should be based on international law and not local laws, and the burden should be placed on those advocating for these restrictions to demonstrate this. In any case where there is such a basis in international law, then what is adopted should be the least restrictive means to satisfy that legal requirement, developed as a result of a full policy development process. |
| **Brian Winterfeldt, Griffin Barnett** | This would prevent any future applications for three-character IDNs as gTLDs. We oppose this option. | This would permit any IDN gTLD applications so long as the string were not confusingly similar to another previously-delegated or applied-for string. This is the most logical and legally-sound option. We support this option. | n/a |
| **GAC – Afghanistan** | It should be reserved only for ccTLDs. | As long as it is not in conflict with existing alpha 3 codes from ISO 3166-1 list, they are good to proceed. The only advantage is that there will be more business opportunities for brands to register their names, but it should go through no objection process from governments and other authorities. Disadvantage would be the same (Confusion for users) | No |
| **GAC – Norway** | No. Existing 3-letter gTLDs should be eligible for an exact match of an equivalent IDN 3-letter code. Also new IDN ccTLD should also be eligible for a IDN 3-letter code | No. Same as previous answer. The should be very limited use of IDN 3-letter codes as suggest in the answer to Q5. | In our view there are so many other available strings that could be used for a new top level domain and you should therefore not pick those that will most certainly cause end user confusion and also are likely to create conflicts between national law and ICANN policy |
| **Intellectual Property Constituency** | **The IPC does not support the reservation of IDN 3-character strings for exclusive use as ccTLDs**. While restrictions on 3-character ASCII strings effectively results in the exclusion of over 17,000 potential new gTLDs from the DNS, restriction of all IDN 3-character strings would exclude hundreds of thousands of potential new gTLDs from language communities that have already suffered decades of exclusion from the DNS. The IPC can see no basis or reason for such a disruptive exclusionary policy, which would not serve ICANN’s mission to internationalize the DNS. | **There should be unrestricted use of IDN three-character strings if they are not in conflict with any applicable string similarity rules. The IPC needs more information on what constitutes “conflict with an existing TLD.”** Domain name allocation policy must facilitate, not impede, the need of billions of people to join the internet community. A core goal of the New gTLD Program is to bring new participants into the DNS. The view of the IPC is that this is not achieved by restricting the use of potential new IDN gTLDs unless there is a clear technical or legal justification for doing so. However, the IPC would need to clarify what is meant by a “conflict with [an] existing TLD” before opining on this aspect of the question. Clearly, no one can apply for a TLD that is identical to an existing TLD (i.e., that consists of the same characters in the same order); this is beyond question. This then raises the question of what “conflict with existing TLDs refers to,” if it does not refer to string similarity or an attempt to register a string that is already registered. Does it refer to translations and transliterations of existing TLDs, or to TLDs that are typographically indistinguishable from existing TLDs (i.e., where characters in different scripts look the same or very similar)? | From an intellectual property point of view, the IPC recognizes that it is extremely difficult to reconcile the concerns of governments with the fact that well-established international law prohibits the effective expropriation of rights without due process and/or compensation. A clear and natural tension exists between legally recognized private rights on the one hand and government interests on the other. The IPC notes that the use of geographic names in the Domain Name System (“DNS”) is a long-standing issue and one of the most troublesome issues in domain name allocation policy. The practice of registering geographic names and geographical indications as second- and third-level domain names was expressly noted by the World Intellectual Property Organization in 2001 in its Final Report on its Second Internet Domain Name Process. An important conclusion of the WIPO II Report was the absence in international law of support for governments’ assertions of priority rights in geographic names preventing their use by others as domain names. The IPC reaffirms the comments and conclusions of the GNSO Working Group on Reserved Names, which emphasized the need to “ensure that ‘there is a solid and clear basis in existing international law which can be applied so as to prevent erosion of the integrity of geographical indicators and enhance the creditability of the DNS’.”3 The adoption of exclusionary policy without clear and credible legal basis creates a danger of appropriating or impinging upon existing rights, to the detriment of the global community’s interaction with the DNS. |
| **.pl Registry Operator** | I do not think so, however there is some idea behind.  First of all we are not sure about the future regarding IDN; it is complex technology which can cause Internet less stable or even partially unstable. I think we need more research and better analysis; otherwise, I think that  we do not have enough knowledge to build any theoretical project and set the rules.  The question is:  do we have to decide just now? What is a reason behind  for making a decision even if it would be wrong in the future? ( as our today’s knowledge is not sufficient enough..?). In general, the rules applied should be as presented above. | As above, it would be good to have the unrestricted use, however the definition of the meaning  of “unrestricted” in this context has to be set first. | In general, we should do our best and avoid of creating the artificial barriers driven by unjustified reasons and curb Internet development, however I think that the planning process in projects should follow the set polices and ISO rules first;  I do think, that we  have not got a legitimate position to change the UN policy and maintain any new one. Doing differently, I think that  simply sooner or later the projects will fail, and the team will be busy with huge load  and unproductive work.  The known rule first come first served in this context is note the one we should focus on first. |
| **.hk Registry Operator** | All IDNs which are official names or commonly known names of countries or territories, irrespective of their length (number of IDN characters) should be reserved exclusively as ccTLDs. | This is not sufficient. See answer to Q6 above. | N/a |
| **Partridge and Garcia PC** | All three character top level domains should be eligible for use as gTLDs even those that are identical to existing alpha 3 codes from the ISO 3166-1 list. Countries are currently protected by the two letter codes contained in ISO 3166. Codes on the ISO 3166-1 list also serve as acronyms for large organizations, airport codes, names of companies, and words in the English language. [T]ere are many examples of uses of gTLDs that would unnecessarily be impinged upon should this proposed policy be adopted (see table in original submission ) | There is no recognizable advantage to there being a “support/non-objection” process for governments and public authorities. There is no basis in international law for governments or public authorities having this type of power over the determination of trademark rights. The proper forum for this type of determination best handled via binding arbitration in an internationally recognized forum in which objective and reasonable standards apply. The relevant governments and public authorities should have no right of reservation for three-character ccTLDs, nor should they be given authority to reject three-character strings that conflict with existing alpha-3 codes from the ISO 3166-1 list. | Yes, there should be unrestricted use of three-character strings as gTLDs if they are not conflicting with any applicable string similarity rules. This has been the status quo with the DNS for almost 20 years. During the recent round of gTLD allocations ICANN approved numerous three-character strings as gTLDs .ADS, .BBC, .FAN, .CFD, .XIN, .GOO, .GDN, .NTT, .IFM, .JCB, .ONE, .FIT,. LAT, .DEV, .IWC, .SEW, .SKY, .LDS, .CRS, .RIP, .IBM, pyc (Russian), TUI, FLY, GLE, ZIP, CAL, WME, GMX, BOO, DAD, DAY, FRL, ING, NEW, MOV, EAT, ESQ, HOW, OOO, UOL, SCA, TOP, ONG, KRD, NGO, NRA, NRW, SCB, BMW, OVH, BZH, NHK, BIO, VET, HIV, RIO, GMO, WTC, TAX, WTF ,FOO, SOY, GAL, EUS, GOP, MOE, REN, AXA, DNP, INK, opr (Russian),BID, BAR, PUB, XYZ, WED, KIM, RED, CEO, ONL, CAB, SEX and UNO. Based on research only one these new gTLDs was objected to as being confusingly similar to a ccTLD see *SE Registry SA BV, v. Internet Marketing Solutions , Limited* (Case No. 50-504 T00304 13) (Independent arbitrator found .SX and .SEX were not confusingly similar). |
| **GAC Finland** | See the answer in question 1. Shouldn't be changed at this point anymore. Creates confusion, because many IND three-character strings already exists. | This is the current situation. Multilingual, open and equal solution. However it is hard to know, how "FIN" is written in all IDN scripts, and that's why some country or territorial names written in IDN scripts might suffer. | N/A |
| **GAC Switzerland[[1]](#footnote-1)** | See Overview Questions 1-4 | | |
| **ALAC** |  |  |  |
| **.be Registry** | No, see point 1. | Yes, that seems like a fair policy that keeps the right balance for existing players and newcomers. | The WG should consider a fair and simple procedure for governments to raise their objections. I refer to the actual discussions and debate between GAC, ICANN Board & community with regard to the 2-letter domain names release under the new gTLD's. If you want to persuade the governments, there will have to be clearer procedures than the current ones. |
| **.tn Registry** | Only when it's conflicting with name of counties for example for Egypt in Arabic it's مصر (three-character string) and I'm thinking in the same way is to give countries the opportunity to create an industry of domain names | Only when it's in conflict with country names | N/a |
| **.cr Registry** | Please consider the same advantages and disadvantages mentioned in Point 1 for this question. | Please consider the same advantages and disadvantages mentioned in Point 4 for this question. | Please take into account that opening the possibility of three character stings to countries and locations in the long term will lead to destabilizing and even eliminating current ccTLDs who are key allies and representatives of ICANN throughout the world. ccTLDs are key for the stability and resilience of the Internet from a technical and political perspective, and losing this support may prove fatal to ICANN. This is specially true for emerging economies where ICANN needs the most support and which prove to be very complex political environments. I urge the CWG-UCTN to consider that ICANNs role is to further strengthen the Internet, not weaken it. This kind of initiative may prove to have some kind of financial gain in the short term but have drastic technical and political consequences in the long turn as explained in the previous answers to the questionnaire. I urge them to stop this project. |
| **Centre Survey**  **(22 respondents)[[2]](#footnote-2)** | 23% Yes  55% No  23% Unsure | 59% Yes  18% No  23% Unsure | Should 3-character strings in the ISO 3166 list be  reserved all together (to avoid user confusion)?  45% Yes  27% No  27% Unsure |
| **.SV** | In the spirit of an open and competitive environment in the domain names industry, there can be unrestricted use of 3 IDN character strings not conflicting with country and territory codes. Pros: continue fostering competition in domain names. | In the spirit of an open and competitive environment in the domain names industry, there can be unrestricted use of 3 IDN character strings not conflicting with country and territory codes. Pros: continue fostering competition in domain names. | Special consideration should be taken to 3-character strings proposed as gTLD if they happen to be the 3 first characters of an existing gTLD, or a brand, trademark or location name. They should be clearly justified. |
| **Yuri Takamatsu** | No. The reason is the same as above. | Yes. In principle, the name space of the labels, except those with two ASCII characters, should be unrestricted in their registration and usage. | The response above is a personal position, not a JP ccTLD registry's. |
| **.hn** | They should be reserved as ccTLDs for linguistic reasons. | It should not be regulated. As an advantage: it ensures the safety, reliability for purposes of governance. As a disadvantage: it generates un-governability. | The existence of 3 characters in theISO 3166 must exist only for cc Top Level Domains, we see no reason to generate in this standard three other characters and reserve them only for gTLDs. If that decision was taken, it would be condemning the ccTLDs to decline and would further promote the exclusion which is seen in developing countries, fostering monopolies, conversely to the principles of free trade agreements. |
| **.no** | No. For IDN the considerations are different. 3-character strings might be in use both for ccTLDs (where a script leads to 3-letters to express a 2-letter code in ASCII) and gTLDs for generic names and trademarks in scripts. | Yes, see above. But a condition must of course be that they are not in conflict with existing TLDs etc. | Our view in summary is that the rules in the AGB existing for the first round of new gTLDs with regard to the use of country & territory names should be continued - that is: All 3-character strings on the ISO 3166-1 list should not be allowed as TLDs; neither as ccTLDs nor as gTLDs. This is first and foremost relevant for ASCII characters. IDNs raise different questions. If 3-character ASCII on the ISO 3166-1 list should be allowed, this must be in cooperation with the relevant government - the same rules as for capitols and some cities as today; namely support or non-objection. It will then be a gTLD, following the same policy as other gTLDs, not a ccTLD, following local policy. However, the government would then be able to set some critera for giving their support. In our opinion a change to the exiting regime in the AGB might cause disputes internally within the ICANN system. In the times of the IANA-transition with all the work that follows this process, and the importance of a successful Post-IANA Transition environment, and the work-stream 2 of the accountability-process, we do not think it is wise to open up for more change to the AGB than necessary. We also see the political pressure coming, ref WSIS+10. Yours sincerely, UNINETT Norid AS |
| **.pa** | All three-character IDN strings should be reserved exclusively as ccTLDs and should be ineligible as IDN gTLDs.  Advantage: Continue to promote competition in the current domain names. | There should be no unrestricted use of IDN strings of three characters, even if they are not in conflict with existing TLD or any similar rule applicable chains.  Advantage: Continue to promote competition in the current domain names. | Special consideration must be taken to three-character strings as top-level domains, especially if these three characters match the first 3 characters of a brand name, a trademark, a location or an existing gTLD. Should be very clearly justified |
| **.de** | DENIC believes that IDN three-character strings are in no way special and suggests that the general question of the properties of an IDN ccTLD need  to be solved prior to responding to this question. | With reference to the previous response, we suggest that the response to this question might need to be postponed. | DENIC believes that the question of alpha-3 codes should not be mixed with the topic of IDN ccTLDs or IDN TLDs in general. The guiding principle for dealing with three letter ASCII codes should be consistency and predictability, with future changes to ISO 3166 alpha 3 in mind. For the ccTLD community it should be of utmost importance to maintain the singularity of ccTLDs based on the ISO 3166 alpha-2 list. |
| **.ar** | NIC Argentina considers the same as expressed above for IDN strings | NIC Argentina considers the same as expressed above for IDN strings | n/a |
| **.fi** | Shouldn't be changed at this point anymore. Risk: creates confusion | Multilingual, open and equal solution. Risk: Some ccTLDs in IDN scripts might suffer | n/a |
| **GAC** | As in question 1, the GAC does not think that it is necessary or feasible to reserve as ccTLDs all IDN three-character codes at the top-level and notes that in practice, dozens of 3-character IDN TLDs are in operation in the DNS, including more than a dozen ccTLDs and over 40 gTLDs. It does not, however, follow that all 3-character codes should be eligible as gTLDs (see detail in letter above). | In general, using only "string similarity rules" to protect certain strings should be avoided as it would generate too much uncertainty and complexity in the process (see detail in letter above) |  |
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1. Switzerland proposes to tackle the issue of the future use of three-character codes as TLD according to the following methodology: initially, it is essential to clearly delimit the three-character codes concerned by means of a protection mechanism. It would then be advisable to define the protection mechanism itself and, finally, to rule on the method of use of protected and non-protected codes. [↑](#footnote-ref-1)
2. Participating cc-TLD registries: .al, .be, .ch, .de, .dk, .ee, .es, .hr, .is, .jp, .lu, .lv, .me, .mt, .nl, .no, .pl,

   .pt, .rs, .ru, .se, .tr; for individual responses, see: <https://community.icann.org/download/attachments/49354211/ccTLDSurvey.pdf?version=1&modificationDate=1448464976361&api=v2> [↑](#footnote-ref-2)