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| **ReSponSE**CTN-CROSSCOM |

**Response from NORID, the Norwegian ccTLD, on the action for members of the WG on use of country & territory names as TLDs, called for at the teleconference 11th January 2016, posted by Bart Boswinckel 12th January.**

First, let me express my respect for the staff for the work they have done to summarize and analyze the community responses. It has not been an easy task, partly due to some confusion about the formulation of the questions and on interpreting the answers. The comments below do not mean any criticism of the work done, merely some thoughts and reflections. The questions sent out the 12th January reads as follows:

1. ***Check summary of responses document to check if responses are captured properly?***
	1. Question 1: In future, should all three-character top-level domains be reserved as ccTLDs only and be ineligible for use as gTLDs?
		1. As long as the question is whether all 3-character TLDs should be reserved as ccTLDs, there is a majority of representatives from all constituencies saying NO to this question. In my opinion the summery capture this result properly. I feel that the response from Norid is also captured properly.
	2. Question 2: In future, should all three-character top-level domains be eligible for use as gTLDs as long as they are not in conflict with the existing alpha-3 codes from the ISO 3166-1 list; i.e. the three-character version of the same ISO list that is the basis for current ccTLD allocation?
		1. The answers on this question show that there could have been another question as well, namely if ALL 3-character TLDs should be eligible for gTLDs. That is the question several of the respondents really answer. The way I interpret the answers, when they say no to the question 2, they really answer that all 3-letter codes should be available for gTLDs, whether on the ISO 3166-1 list or not. It is therefore difficult to capture the answers in the flowcharts. Other respondents want the answer to be that yes, it is OK as long as those on the ISO 3166-list are protected (not used neither as ccTLDs nor gTLDs).
		2. Here I feel that the responses are not captured properly in the flowchart. As far as I can see, there are more respondents answering yes to the question asked than presented in the flowchart. I understand, as described in 1.2.1, that it is difficult to give the right result here, since some respondents do not answer the question asked.
	3. Question 3: In future, should three-character strings be eligible for use as gTLDs if they are not in conflict with existing alpha-3 codes from the ISO 3166-1 list and they have received documentation of support or non-objection from the relevant government or public authority?
		1. There is still some confusion in the answers. Understandably, as the question in my view is posed wrongly. The question should be IF 3-letter codes from the ISO 3166-1 are allowed as gTLD, should they need support/non-objection from the government etc? (Equivalent to the rule for capitols etc. today according to the Applicant Guidebook.) Those answering no on this question seem to mean that ALL 3-letter combinations should be available for gTLDs, not restricted in any way. Others want no 3-letter codes at all. It is unclear if they mean 3-letter codes as those in the ISO-3166 or all combinations.
	4. In future, should there be unrestricted use of three-character strings as gTLDs if they are not conflicting with any applicable string similarity rules?
		1. Properly captured, in our opinion, even if some of the answers are difficult to decipher.
	5. As for questions 5 – 6 there seems to be more compliance between the answers and the capture in the flowcharts. I have no further comments here.
2. ***Is the diversity of responses a concern for you (and why)?***

No, it is predictable that the different camps have different views. However, it is of importance to get the different views out in the light as soon as possible to avoid delays and unnecessary work after a PDP is finished.

1. ***Please provide suggestion how to move forward, specifically in light of the diversity***

It seems to be difficult to find common ground. It is obvious that the views and interests of the different constituencies – even if the answers the WG have received only represents a small part of the community – are very different. If one part of the community wants full opening of all combinations and another part wants full restriction of 3-letters as TLDs, it is necessary to show this diversification.

If we cannot agree on a compromise the way forward might be to visualize in our report this disagreement. It might also be useful to remind the participants on the compromise reached in the last round of gTLDs after more than 5 years work that resulted in the Applicant Guidebook (2.2.1.4.1 Treatment of Country or Territory Names).

The three general observations in the summary of community responses seem accurate. However, it could possibly be clearer if observation 2, instead of writing “status quo”, using the phrase, “Allowing 3-letter combinations not conflicting with ISO 3166-1 and not conflicting with any applicable string similarity rules – as gTLDs”. Status quo to day according to AGB is that those on ISO 3166-1 list are protected –all other 3-letter combinations are available as gTLDs

How to treat country and territory names will ultimately be a private agreement between ICANN and the applicants. And a private contract/agreement can be anything as long as it is not in contradiction with law. If ICANN Board wants to restrict applications, it can be done. If they want to reserve some TLDs for governments or demand support/non-objection, they can do that. Even if the governments/countries do not have a legal claim, the Board can find it politically and strategically wise to include this in the contract. And if they want to open all 3-letter codes with no restrictions at all, they can do that as well.

However, I think our mandate here is to visualize that there seems to no agreement on the different options between the stakeholdergroups. We have to remember, though, that what we do in *our* report is just “testing the water”.

Oslo, 18.1.2016

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