# Progress Report: Cross Community Working Group

# on the Use of Country and Territory Names as Top-Level Domains

*This Paper was requested by the CWG co-Chairs and prepared by Staff. The Paper lays out the Group’s discussion to-date and provides the WG’s conclusions and recommendations in relation to the Group’s main objective.*

## **Objective and scope of the WG**

The purpose of this working group is to draw upon the collective expertise of the participating SOs and ACs and others, and building on the analysis of the ccNSO Study Group on the use of names for countries and territories as TLDs[[1]](#footnote-1), to further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures. The main objective of the WG is to provide advice regarding the feasibility of developing a consistent and uniform definitional framework that is applicable across the respective SO's and AC's defining rules guiding the use of country and territory names as top-level domains that, ideally, can be applied objectively to alpha-2 and alpha-3 ISO 3166-1 codes as well as full country and territory names. Should such a framework be deemed feasible, the WG is expected to provide detailed advice as to the content of the framework.

The scope of the WG is limited to:

* Representations of names of countries, territories and their subdivisions listed on or eligible to be listed on the alpha-2 code International Standard for country codes and codes for their subdivisions (ISO 3166-1), (Names of Country and Territory). Other geographical indicators, such as regions, are excluded.
* The use of country and territory names as top-level domains. The use of country and territory names as second or other level is excluded.

Consult the Group’s Charter[[2]](#footnote-2) for further information.

## **Group’s discussions to date**

Two-letter representations of country or territory names in the International Organization for Standardization’s (ISO) 3166-1 alpha-2 list

In October 2015[[3]](#footnote-3), the CWG recommended that the existing ICANN policy of reserving 2-letter codes for ccTLDs should be maintained, primarily on the basis of the reliance of this policy, consistent with RFC 1591, on a standard established and maintained independently of and external to ICANN and widely adopted in contexts outside of the DNS. RFC 1591 in relevant part provides: “The IANA is not in the business of deciding what is and what is not a country. The selection of the [ISO 3166-1] list as a basis for country code top-level domain names was made with the knowledge that ISO has a procedure for determining which entities should be and should not be on that list.”

The recent GAC-Helsinki communiqué[[4]](#footnote-4) refers to discussed plans within the GAC on the subject of 2-letter country/territory codes *at the second level*: The GAC discussed plans proposed by Registry Operators to mitigate the risk of confusion between country codes and 2-letter second level domains under new gTLDs. Some countries and territories stated they require no notification for the release of their 2-letter codes for use at the second level. The GAC considers that, in the event that no preference has been stated, a lack of response should not be considered consent.

Three-letter representations of country or territory names in the International Organization for Standardization’s (ISO) 3166-1 alpha-3 list

While two-letter codes had a long-standing role in policy and procedure, ICANN had not consistently extended the same protections and definitions to three-letter codes. TLDs and the ISO 3166-1 alpha-3 list had coexisted, with occasional intersections, for many years with no significant policy-based conflicts. However, following the release of the final version of the new gTLD Applicant Guidebook, which removed ISO 3166-1 three-letter codes from eligibility without reserving these codes for potential use as ccTLDs or for any other use, it was deemed appropriate to include this three-letter representation in the group’s discussions.

Current ICANN policies, particularly with regard to the current new gTLD process, provide an inconsistent framework for treatment of three-letter country representations. Rigid application of the current range of ICANN policies and procedures could potentially lead to an inconsistent treatment of country and territory names. That is, certain representations could be prohibited as new gTLDs by the Applicant Guidebook, while others could be considered IDNs, and yet others could be prohibited from use as an IDN ccTLD given current “one per official/designated language” [provisions of the fast track process](https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-05nov13-en.pdf) and future IDN ccTLD policy.

The following examples illustrate the outcome of inconsistencies in the framework:

* ISO-related strings that could be of interest to potential new gTLD applicants (such as .BRB, .CAN or .GEO) are currently protected and are ineligible to become new gTLDs.
* Some three-letter codes, such as “.com,” already exist as TLDs. .com is the largest gTLD and also the ISO3166-1 alpha-3 code for Comoros. This duality has existed since January 1985, when the TLD was first implemented. At the time, there were simply no policy protections in place for country names. However, “.com” has thrived as the pre-eminent gTLD. Any attempt at retrospective application of protectionist policies for three-letter codes would provide an undesirable policy conflict and a destabilizing, unenforceable influence.
* Other three-letter codes on the ISO list (such as .NIC) could never become available, even if ICANN were to drop current protections, unless other Reserved List policies were changed. The code “NIC” is explicitly included on the “Top-Level Domains Reserved List” in the Applicant Guidebook as a representation of “Network Information Center” and is yet also an ISO 3166-1 alpha-3 code representation for Nicaragua.
* And yet other three-letter codes – most notably those IDNs involved in the fast track process – are required to meet an entirely different set of eligibility criteria.

With the input and guidance from experts familiar with ISO processes, it was noted that the 3166-1 alpha-3 codes list itself is not static and that that geo-political changes, the creation of new countries and the dissolution of others meant that not even this most fundamental guideline document was without its own complexities and challenges.

***SO/AC survey***

To facilitate the group’s discussion and to gather different viewpoints from the wider community, the CWG decided to develop and distribute an informal survey to ICANN’s Supporting Organisations and Advisory Committees. This survey presented a range of options for a policy framework on ISO 3166-1 alpha-3 codes. The views expressed by respondents were highly divergent, and there was no clear consensus among the contributors to the CWG’s request for input. The survey results can be found on the WG wiki space[[5]](#footnote-5).

***Cross-community session ICANN56***

The CCWG is also aware of other discussions relating to geographic names in the ICANN community. With this in mind, the CCWG looked at an opportunity to have a broader discussion on topics relating to the use of country and other geographic names and understand whether a harmonized framework would be feasible. Therefore, the CWG decided to host a cross-community session under the auspices of the ccNSO at ICANN56 in Helsinki, referred to as the “country and other geographic names forum”. The purpose of this cross-community session was to solicit views from the community on the different issues related to the use of country and other geographic names and the feasibility of a harmonized framework that could inform and enhance policy efforts around the use of these names as TLDs. Once again, the WG noted diverging interests and opinions across all communities.

The recent GAC-Helsinki communiqué [[6]](#footnote-6) advises the ICANN Board, on the topic of 3-letter codes in the ISO 3166 list as gTLDs in future rounds, “*i. to encourage the community to continue in depth analyses and discussions on all aspects related to a potential use of 3-letter codes in the ISO-3166 list as gTLDs in future rounds. […] ii.* To keep current protections in place […]”.

## Conclusion around feasibility to develop a consistent and uniform definitional framework

***Comments and observations***

* Despite efforts to engage the wider community, the CWG was mainly driven by ccNSO and GNSO. Low levels of involvement by other segments of the ICANN community made it difficult to pursue community-wide solutions.
* The treatment of country and territory names as top-level domains is a topic that has been discussed by the ccNSO, GAC, GNSO, ALAC and the ICANN Board for a number of years. Issues regarding the treatment of representations of country and territory names have arisen in a wide range of ICANN policy processes, including the IDN fast track, the GAC Geographic Naming WG, the IDN ccPDP, and the development of PDPs with regard to subsequent new gTLD rounds. References to country and territory names and their use are also present in guidelines such as the GAC’s “Principles and Guidelines for the Delegation and Administration of Country Code Top Level Domains” and “Principles regarding new gTLDs”, foundation documents such as RFC1591 and administrative procedures such as those followed by IANA, in accordance with ISO3166-1, in the delegation and redelegation of ccTLDs. More details can be found in the final report [[7]](#footnote-7) of the ccNSO Study Group on the use of country and territory names.
* Current ICANN policies, particularly with regard to the current new gTLD process, provide an inconsistent framework for treatment of three-letter country representations. Rigid application of the current range of ICANN policies and procedures could potentially lead to an inconsistent treatment of country and territory names. Further, assuming a harmonized framework for just the use of country and territory names would be developed, the community would most likely face issues between rules flowing from such a framework and rules and procedures around other geographic names.

***Conclusion***

Over time the CWG met through telephone conferences and at ICANN meetings. It provided regular updates to the communities, including the ccNSO, GAC and GNSO Council. Throughout its deliberations, the WG observed an incredible level of complexity associated with any attempt to come up with a consistent and uniform definitional framework that could be applicable across the respective SO's and AC's defining rules guiding the use of country and territory names as top level domains that, ideally, can be applied objectively to alpha-2 and alpha-3 ISO 3166-1 codes as well as full country and territory names. Despite the importance of country and territory names to a wide range of stakeholders, and despite the fact that all involved made strong efforts to find a solution, the WG concludes that it is not feasible to bring about a coordination between the initiatives. After careful deliberations, the Cross Community Working Group on the Use of Country and Territory Names as Top-Level Domains, with its limited mandate, deems that it is not feasible to develop a consistent and uniform definitional framework that could be applicable across the respective SOs’ and ACs’ defining rules guiding the use of country and territory names as top level domains.

## **Recommendations**

In light of the need for further work, the complexity of the issue at hand, the aforementioned inconsistencies between various ICANN policies, and the limited mandate of the CWG on the use of country and territory names as TLDs, the CWG recommends in depth analyses and discussions on all aspects related to - not only – the current status of representations of country and territory names as they exist under current ICANN policies, guidelines and procedures, but also -and in combination with - geographic names, in an all-inclusive dialogue between ccNSO, GNSO, ALAC and GAC, to identify and address concerns and potential risks.

1. http://ccnso.icann.org/workinggroups/unct-final-08sep12-en.pdf [↑](#footnote-ref-1)
2. http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf [↑](#footnote-ref-2)
3. https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents?preview=/49354211/56143211/Options%20Paper%2015%20October%202015%20.doc [↑](#footnote-ref-3)
4. https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee?preview=/27132037/43712811/20160630\_GAC%20ICANN%2056%20Communique\_FINAL%20%5B1%5D.pdf [↑](#footnote-ref-4)
5. <https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents> [↑](#footnote-ref-5)
6. https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee?preview=/27132037/43712811/20160630\_GAC%20ICANN%2056%20Communique\_FINAL%20%5B1%5D.pdf [↑](#footnote-ref-6)
7. http://ccnso.icann.org/workinggroups/unct-final-02jul13-en.pdf [↑](#footnote-ref-7)