

Cross-Community Working Group - Framework for use of Country and Territory Names as TLDs (CWG-UCTN)

DRAFT INTERIM PAPER¹

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¹ The term FINAL Report has a specific meaning under the charter of this WG, The WG is not at that stage. The Interim Paper is the document to seek public comment. See charter

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Executive Summary

The purpose of this paper is to lay out the core issues that the Cross-Community Working Group: Framework for Use of Country and Territory Names as TLDs (CWG-UCTN) addressed in carrying out its Charter (<http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>). It records the CWG-UCTN's discussions regarding options around a consistent framework for the treatment of country and territory names as top-level Internet domains (TLDs). This document, consistent with the CWG-UCTN's Charter, provides "a review and analysis of the [CWG-UCTN's] objective, a draft Recommendation and its rationale."²

According to the CWG-UCTN's Charter,³ the objective of the CWG-UCTN is to draw upon the collective expertise of the participating SOs and ACs and others, to:

- Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;
- Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SO's and AC's; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

Since the adoption of its Charter in March, 2014, the CWG has met regularly through telephone conferences and at ICANN public meetings. It has provided regular updates to the communities, including the ccNSO, GAC and GNSO Council. Throughout its deliberations, the CWG has observed a high 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 after careful deliberations that, within its limited chartered mandate, this WG does NOT consider it 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.

At the same time the members of the wg recognize that despite the complexity of the issue at hand, the aforementioned inconsistencies between various ICANN policies, and the limited mandate of the CCWG, further work is needed and warranted, however differently structured and embedded. The chartering organisations are therefore recommended:

1. To close this CCWG in accordance with and as foreseen in the charter.

² CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>, at 3.

³ CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>, at 2.

2. The ICANN community consolidate all policy efforts relating to geographic names (as that term has traditionally very broadly been defined in the ICANN environment to this point) to enable in-depth analyses and discussions on all aspects related to all geographic-related names at all levels of the DNS. This is the only way, in our view, to determine whether a harmonized framework, including, but not limited to, the use of country and territory names as Top Level Domains is truly achievable.
3. Future work should take place with the authority of a policy development process under ICANN's Bylaws, with a clearly drafted Charter or scope of works that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CCWG, as it has not been made clear how the group's work can or will be incorporated in policy-making pursuant to ICANN's Bylaws.
4. Future policy development work must facilitate all-inclusive dialogue to ensure that all members of the community have the opportunity to participate. Again, we believe that this is the only way to determine whether a harmonized framework is truly achievable.

how to read the paper*

This report is structured to summarize the progress of the CWG-UCTN with respect to these objectives. The first three sections provide background on the use of country and territory names in the Domain Name System (DNS), with a focus on use of the country codes in the formative years of the DNS (section 1.2), RFC 1591 (1.3) and post RFC 1591 (1.4). Section 4 also contains a more in depth description of ISO 3166 and the related role of the ISO3166 Maintenance Agency in the procedures in assigning codes to represent the name of countries, dependency, or other area of particular geopolitical interest. As Given the omplexity of the topic and cross-community aspects of it, Furhter and again related, Annex B of this paper contains a description of the evolution of the defintion of country and territory names leading up to the first round of the new gTLD process.

The ccNSO Study Group, and the CWG-UCTN ar ebriefly introduced in Section 2 and 3 and this paper.and section 4 contains a discussion of the CWG-UCTN's methodology.

Section 5 provides a summary of the work completed by the CWG on 2-letter country codes and 3-letter country codes.

Finally, the CCWG offers its observations, conclusions and recomendnations to the chartering organisations in section 6.

Commented [AL1]: A comment to Timos wish to include 2 options in our recommendations: Since some have this view, it is fair to discuss this at the next teleconference where I hope Timo will be present and raise his voice.

Commented [??2]: I strongly support Timo's suggestion to include different options for the future. I recommend including among the suggestions creating another CWG that continues to discuss the issues that have not been resolved and learns from the experience of this working group.

Commented [AL3]: Perhaps a compromise could be to make it clearer that CWG only got a mandate to discuss c & t names at first level, not all geographical names. Therefore the GNSO PDP has left that work to us and waited to see if we could work out a framework that could be acceptable for all. So far we have a preliminary conclusion on use of 2-letter strings, but have run into difficulties for 3-letter strings on the ISO list, as the views are very different from different stakeholders. Therefore one possibility is to transfer this discussion to the PDP, in addition to the other geographical names they already are discussing.

Commented [HF4]: I do not agree with removing this sentence, which should not be controversial. Reservations for geographic names (and indeed other names) is indeed factually in the charter of the PDP.

Commented [TV5]: Please reword this to give two options - forming new balanced CWG without the deficiencies of this group and GNSO PDP

1. Background on Use of Country and Territory Names in the Domain Name System (DNS)⁴

1.1. Formative Years

Initially, the Advanced Research Projects Agency Network (ARPANET), a United States Department of Defense research project, implemented the Transmission Control Protocol (TCP) and Internet Protocol (IP), to enable the consistent identification of computers connected to the ARPANET, termed 'hosts', by assigning to each host a unique numerical address, termed an 'Internet Protocol' address. While the IP address facilitated communication between computers, long strings of numbers are less intuitive to human users. Therefore it was recommended that hosts also would be given short, unique, mnemonic names and a master list, called the "hosts.txt file", was developed that contained IP addresses of all hosts in the network and listed the related names.

The use of the domain system was first mentioned by Jon Postel in RFC 881.⁵ RFC 882 additionally provides a description of an early form of the DNS. An update of the implementation schedule can be found in RFC 897. One of the core evolutionary aspects was apportioning responsibilities; no longer would a single fixed file needed to be maintained (a task, which grew larger as the network grew), but rather the network would be structured into 'domains'. An entity with authority over a domain would be responsible for keeping track of all of the hosts connected to that domain.⁶

The next phase of the formation and structuring of the DNS was documented in RFC 920,⁷ which defined the Top Level Domains (TLDs). ARPA, GOV, EDU, COM, MIL, and ORG, and country code Top Level Domains (ccTLDs). This document includes a reference to ISO 3166-1 as a list of 'English country names and code elements' (the 'ISO 3166-1 list')⁸. Actual delegations of two letter country code TLDs started in 1985, initially mainly to local academic institutions.

In November 1987 RFC 1032 ('titled Domain Administrators Guide') was published. In this RFC the evolution of ideas set out in RFC 920 were documented, in particular and relevant in this context,

⁴ This is not intended to be a complete history of how the current framework of policies of came into existence. It is intended to provide some historical context around the current policies framework. This part goes back to the early days (early 80's) when (cc)TLDs were established and their relation with ISO 3166 and is based on publicly available documentation, in particular the IETF RFCs.

⁵ J. Postel, RFC 881: "The Domain Names Plan and Schedule", Nov. 1983, <https://tools.ietf.org/html/rfc881>

⁶ David D. Clark, RFC 814: "Name, Addresses, Ports and Routes", Jul. 1982, <https://tools.ietf.org/html/rfc814>

⁷ J. Postel and J. Reynolds, RFC 920: "Domain Requirements", Oct. 1984, <https://tools.ietf.org/html/rfc920>

⁸ ISO, *Country Codes: ISO 3166*, http://www.iso.org/iso/home/standards/country_codes.htm#2012_iso3166_MA

policies for the establishment and administration of domains, including the use of ISO 3166 as the standard list for two-letter country codes. According to, RFC 1032:

Countries that wish to be registered as top-level domains are required to name themselves after the two-letter country code listed in the international standard ISO-3166. In some cases, however, the two-letter ISO country code is identical to a state code used by the U.S. Postal Service. Requests made by countries to use the three-letter form of country code specified in the ISO-3166 standard will be considered in such cases so as to prevent possible conflicts and confusion.

The CWG-UCTN is not aware of any request to use the three-letter form of country code.

1.2. RFC 1591

In March 1994 RFC 1591⁹ was published, which set out the naming practice at that time. Amongst other things, RFC 1591 reflects the significant amount of work that had transpired in the late 1980s and early 1990s. Critically for the context of country names as Top Level Domains, RFC 1591 identified and preserved the link between ccTLDs and the ISO 3166-1 list and established two significant principles in terms of RFC 1591:

The IANA is not in the business of deciding what is and what is not a country.

And

The selection of the ISO 3166 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.

To date these two principles are still at the core of the policy for establishing ccTLD (and IDN ccTLDs).

1.3. Evolution of Policies on Use of Country and Territory Names as TLDs Since RFC 1591

1.3.1. The evolution since RFC 1591

In the early 1990s, responsibility for maintaining the ARPANET project shifted away from the United States Department of Defense to the National Science Foundation. In 1997, responsibility was again shifted, this time from the National Science Foundation to the National Telecommunications and

⁹ ISO, *Country Codes: ISO 3166*,
http://www.iso.org/iso/home/standards/country_codes.htm#2012_iso3166_MA

Information Administration (NTIA), a division of the United States Department of Commerce.¹⁰ At this time, the US government faced increasing pressure to divest its control of the internet. ICANN has its origins in then-US President Clinton's direction to the NTIA to address these growing concerns.

The policy on use of two-letter codes as source for for ccTLDs and as documented in RFC 1591, is still valid. This has been recently re-confirmed by the ICANN Board of Directors by adoption of the Framework on Interpretation and most recently in the (proposed) IANA Naming Functions Agreement. At its core it relies on the ISO 3166 and its processes and procedures to determine whether a geopolitical entity should be considered a country, and, hence ultimately if a ccTLD code should be assigned to that entity. The process and procedures for inclusion of a geopolitical entity and assignment of coded representations the name of that geopolitical entity are defined in the ISO 3166 Standard itself.

The ISO procedure for determining which entities should be and should not be on the ISO 3166 list.

ISO 3166 provides universally applicable coded representations of names of countries (current and non-current), dependencies, and other areas of particular geopolitical interest and their subdivisions. The codes are used for a wide variety of purposes, such as other code systems like ISO 4127 tCodes for the representation of currencies", travel documents, postal sorting systems etc. and as ccTLDs.

The ISO body responsible for the standard 3166 is the Technical Committee 46, systems etc. and as non-current), dependencies, and other areas of particular geopolitical inte(ISO/TC 46/WG2). Minor changes to the standard and updates to the code tables in the standard to reflect changes in country names and subdivisions are the responsibility of a dedicated Maintenance Agency (ISO3166/MA). The 3166/MA consists currently of 10 voting members and around 25 non-voting members which have an advisory role. The ISO Secretary-General defines terms of reference, working procedures and guidelines for the ISO 3166/MA.

The major role of the 3166/MA is to assign letter codes to countries, their subdivisions and keep this and other information about the codes up to date. The standard itself describes the eligibility for inclusion of countries, their sub-divisions etc. New members of the UN are routinely added to the standard. Names changes for countries appearing in the UNTERM database or the UN Statistical Division list M49 are followed.

Other areas of particular geopolitical interest, autonomous regions and sometimes physically separated areas from parent countries can be eligible under special circumstances i.e. when an interchange requirement exists. A request for such an inclusion shall originate from the competent office of the national government or from an ISO Member Body in the country holding sovereignty over the area.

¹⁰ The 3166 MA also maintains codes reserved for special use such as (UN) travel documents, financial securities etc., not directly related to geographic areas.
Committee on Internet Navigation and the Domain Name System: Technical Alternatives and Policy Implications, *Signposts in Cyberspace: The Domain Name System and Internet Navigation* (National Academies Press, 2005) at 76-77.

ISO codes are intended to be used in any application requiring the expression of current country names in coded form. The term 'Country Names' is defined in section 3.4. A country name is defined as a "name of country, dependency, or other area of particular geopolitical interest". That is why we often see the term "Countries and territories" is used as a reminder that it is not just about countries, for example the name of this CCWG.

The standard consists of three parts:

- ISO 3166-1 (Part 1: Country codes);
- ISO 3166-2 (Part 2: Country subdivisions code);
- ISO 3166-3 (Part 3: Code for formerly used names of countries).

The edition (version) of a Part is identified by the year of its publication. Therefore the full reference to the current (third) Edition of ISO 3166 Part 1 is: ISO 3166-1:2013.

The ISO codes only use the ASCII letters (A-Z) and numbers (0-9) and (in ISO 3166-2 only) hyphens (-).

ISO codes are structured as follows:

- ISO 3166-1 uses two letter codes (alpha-2), three letter codes (alpha-3) and numerical codes;
- ISO 3166-2 uses codes starting with an ISO 3166 alpha-2 code followed by a hyphen and one or more letters or numbers;
- ISO 3166-3 uses 4 letter codes. Often codes in ISO 3166-3 contain the original obsoleted (alpha-2) codes.

The alpha-2 and 3 codes can have various classifications such as:

- Assigned by ISO 3166/MA,
- Unassigned, and
- Reserved (Exceptionally, Transitionally, and indeterminately).

For additional details, see also:

http://www.iso.org/iso/home/standards/country_codes/country_codes_glossary.htm.

The authoritative source for these terms is, of course, the Standard itself. The official home of page for the ISO 3166 standard can be found at: http://www.iso.org/iso/country_codes

This page includes a link¹¹ to the alpha-2 list of codes of all 657 country codes, of which only 249 are assigned. Listed are also the status of non-assigned codes.

¹¹ <https://www.iso.org/obp/ui/#search/code/>

There is not just a single list. Rather, the term is often used colloquially to denote the list with the Country Code Assignments in Section 9 of ISO 3166-1. People tend to use the term 'ISO Code List' imprecisely. They often use the term to include the Reserved Codes. Similarly confusing is the use of the term 'the ISO 3166-2 list' while not meaning Part 2 of the ISO 3166 standard at all, but referring instead to the list of the (alpha-2) codes in Part 1.

Note that when the term 'ISO 3166-2 list' is misused in this way it is often undefined whether all possible codes are meant (i.e., both the Assigned and the Reserved Codes, or just the Assigned Codes).

1.3.2 Country and Territory names in first and subsequent round of new gTLDs (2001 and 2003)

Two 'proof of concept' new gTLD expansion rounds were commenced in 2000¹² and 2003¹³ respectively, together adding fifteen new gTLDs to the DNS. Nearly all of these gTLDs utilise terms of a generic, categorical nature; none could be interpreted as identifying a 'country name', as that term is commonly understood¹⁴.

1.3.3 Country and territory names as part of the new gTLD process (2012 AGB)

The use of names of country and territory as a gTLD string became again a policy issue as part of the 2012 new gTLD process. As part of the implementation, a definition of 'geographic names' appeared in the second version of the gTLD Applicant Guidebook¹⁵. With subsequent versions of the gTLD Applicant Guidebook, the proposed way on how to deal with use "country and territory names" as new gTLD evolved.

Commented [C6]: IMHO this section should be a chapter in itself, between the actual #1 and the following #2 .

¹² ICANN, New TLD Program Application Process Archive, <http://archive.icann.org/en/tlds/app-index.htm>

¹³ ICANN, Information page for Sponsored Top-Level Domains, <http://archive.icann.org/en/tlds/stld-apps-19mar04/>

¹⁴ As a result of the 2003 proof of concept round the following geography related names were introduced as TLDs: .CAT (for Catalunya) and .ASIA. These TLDs as well as the others from this round were considered sponsored TLDs. According to the RFP for the 2003 round: "The proposed sTLD must address the needs and interests of a clearly defined community" and "The proposed new sTLD must create a new and clearly differentiated space, and satisfy needs that cannot be readily met through the existing TLDs." This would clearly distinguish them from country or ccTLDs. <http://archive.icann.org/en/tlds/new-stld-rfp/new-stld-application-part-15dec03.htm>

¹⁵ <https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-18feb09-en.pdf> , section 2.1.1.4.1 page 2-10

The most significant changes were:

- Up and until the 3rd version of the Applicant Guidebook “country and territory names could in principle be applied for if support by government was documented. Under the 4th version all country and territory names are excluded from the 1st round of new gTLD.
- The definition of what should be considered a “country or territory” changed over time. Initially (up and until the 2nd version of the draft Applicant Guidebook it contained a reference to the “meaningful representation or abbreviation of the name of a country or territory. As of the 3rd version (October 2009) the description was made more specific to ensure predictability.

According to the definitive 11 January 2012 version of the gTLD Applicant Guidebook, which was during the new gTLD applications period, the following basic rules applied:

- All two-letter codes applications were excluded
- All strings representing country and territory names in all languages were excluded from the 1st round of new gTLD, whereby
- A string shall be considered to be a country or territory name if:
 - it is an alpha-3 code listed in the ISO 3166-1 standard
 - it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language
 - it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language
 - it is the short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
 - it is a separable component of a country name designated on the “Separable Country Names List,” or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module.
 - it is a 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”.
 - it is 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.”¹⁶

A comprehensive description of the evolution of policy and its implementation on use of names of countries and territories under the new gTLD Program is included in Annex B.

2. Background on the ccNSO Study Group (2011)

¹⁶ gTLD Applicant Guidebook Version 9 (11 January 2012), Module 2, Section 2.2.1.4.1, Treatment of Country or Territory Names, at <http://newgtlds.icann.org/en/about/historical-documentation/matrix-agb-v9>.

The formation of the CWG-UCTN is a recommendation of the earlier ccNSO Study Group on the Use of Country and Territory Names, which was established in May 2011 and tasked with the aim of delivering the following outcomes:¹⁷

1. *An overview of current and proposed policies, guidelines and procedures for allocation and delegation of strings currently used or proposed to be used as TLDs that are either associated with Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of the names of Countries and Territories.*
2. *A comprehensive overview of the types and categories of strings currently used or proposed to be used as TLDs that are either associated with Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of Country and Territory names.*
3. *A comprehensive overview of issues arising (or likely to arise) in connection with applying the current and proposed policies, guidelines and procedures for allocation to types and categories of strings currently used or proposed to be used as TLDs that are either associated with Countries and Territories (i.e., by inclusion on the ISO 3166-1 list) and/or are otherwise considered representations of Country and Territory names.*

In its Final Report,¹⁸ the Study Group recommended that a Cross-Community Working Group be established to:

- *Further review the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures;*
- *Provide advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SO's [sic] and AC's [sic]; and*
- *Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.*

The Study Group considered that such a framework would inform future ICANN policies and procedures as to how names of country and territory could be used as TLDs:

That is, which policy or procedure is applied to a country or territory name as TLD, determines the applicable governance framework, the structure of relationships between the relevant stakeholders (including end-users) and their respective roles and responsibilities. This is not just relevant for the selection or delegation stage, but also for subsequent stages, once a country or territory name Top Level Domain is operational.

3. Background on this ccNSO-GNSO CWG-UCTN (2014)

¹⁷ ccNSO SG Statement of Purpose, at <http://ccnso.icann.org/workinggroups/use-of-names-statement-of-purpose-31jan10-en.pdf>, at 2-3.

¹⁸ Final Report: <http://ccnso.icann.org/node/42227>

This CWG-UCTN was formed in March, 2014. Members of the CWG are identified on the CWG's web page, which is linked to the ccNSO's web page.¹⁹

Throughout the remainder of 2014, the CWG-UCTN focused on its first Charter mandate, namely to 'further review [of] the current status of representations of country and territory names, as they exist under current ICANN policies, guidelines and procedures.' The CWG confirmed the findings of the ccNSO Study Group as set out in its Final Report while noting particular examples from the implementation of the AGB²⁰ in the 2012 new gTLD expansion round.

At the face-to-face meeting of the CWG-UCTN at ICANN52 in Singapore, the CWG agreed to use and continue to develop a strawman options paper drafted by the CWG co-chairs²¹ and GNSO and ccNSO supporting ICANN staff. The strawman options paper was drafted to provide the CWG with a starting point in undertaking its remaining chartered responsibilities, namely consideration of the feasibility of developing a consistent and uniform framework respecting the use of country and territory names as TLDs and provision of advice in relation to the content of such a framework.

The strawman options paper tabled at ICANN52 set out starting points to address each of these points. CWG members agreed at ICANN52 to adopt the approach proposed in the strawman options paper. This working document is therefore based upon the strawman options paper, to which the CWG's ongoing work has been, and will continue to be, added as the CWG's work progresses.

Lastly, in recognition of the frequent use of acronyms in the ICANN environment, the complexity of this topic and the value of consistent use of terminology in this paper, given its intended purpose of informing a consistent policy framework, a Definitions section is included. Relevant terms will be defined within the text in their first usage and included in the Definitions in Annex A. Some defined terms may, for improved readability, be shortened or identified subsequently by an acronym; where this practice is used, the shortened form or acronym will appear in parentheses immediately following its first use as well as in the Definitions.

¹⁹ The ccNSO Study Group online resources were set up and managed by the ccNSO. For administrative ease and convenience, these existing resources were relied upon when setting up an online site for the CWG.

²⁰ The final version of the gTLD Applicant Guidebook is version 10, dated 4 June 2012, accessible at <http://newgtlds.icann.org/en/applicants/agb> (hereinafter, 'AGB').

²¹ Heather Forrest (GNSO), Annebeth Lange (ccNSO), Carlos Raul-Gutierrez (GNSO) and Paul Szyndler (ccNSO).

4. Methodology

As noted above, the CWG-UCTN was established to further develop the results of the work of the ccNSO Study Group on Country and Territory Names. A notable finding of the Study Group in its Final Report was the complexity of defining ‘country and territory names’.²² To facilitate its work, the Study Group identified various categories of representations of country and territory names that could be used as top-level domains (TLDs). Building upon this existing work, this CWG will explore the potential for the development of a ‘consistent and uniform definitional framework’ in top-level domain policy (across the ccTLD and gTLD namespaces) of the following two high-level categories of use:

1. Country codes (two and three letter); and
2. Country and territory names.

Commented [C7]: We have to make clear that we never got this far.....

For each category, the CWGs should consider:

- The scope of the category (in other words, the definition of “country codes” and “country and territory names” such that the names falling within this category are identifiable);
- The status quo of ICANN policy respecting such use, including any recorded reasons or justifications for such policy;
- Issues arising in relation to developing a such use, including any recorded reasons or justifications for
- Possible framework options, including an analysis of the benefits and burdens of each option.

5. Framework on the Use of Country and Territory Names: Analysis and Options for Country Codes Under ISO 3166

Commented [EB8]: It is my understanding that it was the intent of the group to move the Definitions from above this heading into an Annex. Therefore, I moved the Definitions table to Annex A.

NEEDS TO BE UPDATED, TAKING INTO ACCOUNT THE RESULTS OF THE WORK OF THE WG TWO-LETTER

5.1. Two-Letter Country Codes

5.1.1. Scope

This category of usage comprises two-letter country codes as identified in ISO3166-1.

5.1.2. Status Quo

Module 2 Section 2.2.1.3.2, String Requirements, provides in relevant part:

Commented [C9]: Of what? The AGB?

²² See also WIPO Study on Country Names, 2013

3.1 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 ISO3166-1 standard.

Commented [C10]: The numbering is not correct. Should be chapter 5

3.2 Applied-for gTLD strings in IDN scripts must be composed of two or more visually distinct characters in the script, as appropriate. Note, however, that a two-character IDN string will not be approved if:

3.2.1 It is visually similar to any one-character label (in any script); or

3.2.2 It is visually similar to any possible two-character ASCII combination.

The justification for deeming two-character ASCII ineligible is clearly stated in Section 2.2.1.3.2 as excerpted above: “to avoid conflicting with current and future country codes based on the ISO3166-1 standard.”

5.1.3. Current Issues

- ISO 3166-1 is not a static reference. As new countries and territories are formed/founded and others cease to exist, the standard is amended accordingly.
- Two-letter strings in IDN scripts have already been added to the root through the New gTLD Program.

5.1.4. Potential Options

Commented [EB11]: I removed the columns called “Benefits” and “Burdens/Risks” from the below table because there was no content in these columns.

Option	Application
1. All two-character strings reserved for use as ccTLD only, ineligible for use as gTLD	ASCII
2. (Version 2a: Two-character strings eligible for use as gTLD if not in conflict with ISO 3166-1.) (Version 2b: Two-character strings eligible for use as gTLD if not in conflict with [ISO 3166-1 and/or other standard/list].)	ASCII
3. Unrestricted use of two-character strings if not in conflict with an existing ccTLD or any applicable string similarity rules.	ASCII
4. Future two-character strings reserved for use as IDN ccTLD only, ineligible for use as gTLD	IDN
5. Unrestricted use of two-character strings if not in conflict with an existing TLD or any applicable string similarity rules or [other conflict conditions to be discussed, for example, visually similar to any one-character label (in any script) or visually similar to any possible two-character ASCII combination]	IDN

5.1.5. Discussion

Members of the Cross Community Working Group noted that the status quo protects two-character ASCII codes as existing or potential future country code top-level domains. A change in this policy could have a significant impact on the domain name system and members discussed in detail the advantages and disadvantages of potentially altering existing policy guidelines. The outcome of this debate can be summarized as follows:

Risks – that changing the protective status of two-letter codes (in ASCII) might carry:

- Increased user confusion because it would blur the current clear distinction between country code and generic top-level domains because two letter codes have historically represented the recognition of the importance of the sovereignty of the respective nations in cyberspace
- New countries or territories might not have ‘their’ two-letter code available
- ISO code-based of ccTLDs might become effectively obsolete and create confusion beyond the DNS

- Risk of consumer confusion if a 2-char TLD is used by a multinational brand but it is also an acronym/brand of a local one. (ex. BA= British Airlines but also Banco Atlántico)
- ccNSO community put a lot of effort in last 30 years, to establish 'ccTLD brands', which would depreciate if two letter code TLDs be sold as gTLDs

Benefits – that changing the protective status of two-letter codes (in ASCII) might bring:

- Possibility to sell more new gTLD strings and achieve full commercial potential of all two-letter codes
- Two-character brands (VW, AA, BA etc.) would be able to register their brands as top-level domains
- If brands can obtain top-level domains the risk of confusion would be minimal due to the content of brand-operated TLDs
- Some ccTLDs have effectively sold their domain to private usage meaning the lines between ccTLD and gTLD are already blurred
- Providing equal treatment with IDN two character strings

However, the key argument that has impacted on the Group's thinking is that the current policy of reserving all two-character ASCII codes for current and future allocation as country code top level domains – in accordance with the ISO 3166 list – has provided stable and predictable policy up to now. Members noted that neither IANA nor ICANN - community or staff - are in a position to determine what is and is not a state, country, or territory. The ISO standard has served the ICANN community well in this respect, as it's an external standard that pre-dates ICANN and is widely used in other contexts. It is a tried and tested administrative standard, an alteration of which could bring considerable disturbance and inconsistencies within the DNS. In this context, the WG attributed significant weight to RFC 1591, which 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.”

5.1.6. Preliminary Recommendation on 2-letter ASCII Codes

The WG recommends 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 (ISO 3166-1).

5.2. Three-Letter Country Codes

5.2.1. Scope

This category of usage comprises three-letter country codes as identified in ISO 3166-1 – also referred to as alpha-3 codes.

5.2.2. Status Quo

Historically, three character codes combinations have always been permitted in the DNS.

5.2.3. Issues

- Historically, the DNS has been divided between country code top-level domains (ccTLDs) comprised of two characters and generic top-level domains (gTLDs) comprised of three or more characters.
- The AGB prevented most allocated ISO-3166-1 alpha-3 codes from being applied for as new gTLDs.
- The AGB does not address the precedent of why .com is part of the DNS, but all other ISO-3166-1 alpha-3 codes are defined as reserved.
- Countries and territories do not have legal rights with regard to the ISO or any other country code list (of which there exist many).

5.2.4. Potential Options as per SOs/ACs Survey

To facilitate the Group’s discussion and also to gather different viewpoints from the wider Community, the CWG decided to develop and distribute an informal survey to ICANN’s Supporting Organizations and Advisory Committees. This survey presented a range of options for such a policy framework on ISO-3166-1 alpha-3 codes.²³

In summary, the Community feedback can largely be divided into three preferences:

- support for opening all ISO-3166-1 alpha-3 codes to eligibility as gTLDs;
- support for the status quo (i.e., ISO-3166-1 alpha-3 codes entirely excluded from eligibility as gTLDs); and
- support for the allocation of ISO-3166-1 alpha-3 codes to their respective, existing ccTLD operators to run as a second country code TLD, should the providers wish to do so.

Commented [JA12]: •Note that the codes freely to be assigned by users and the reserved alpha-3 code were not considered

Commented [AL13]: Is it not right to say that nobody have legal rights? So that it is up to ICANN to decide whether they should be open for registration or not through a private contract?

Commented [JA14]: •Note that ISO doesn’t claim any legal status of standards. In is up to the users to define that.

Commented [p15]: I fully agree with Annabeth’s comment above. Please allow me, for your convenience, to copy my previous comment, as it stands at this point too: “However, the truth is that a) there is a direct connection of the ISO3166-1 codes to the respective countries & territories, b) this connection has taken place under formal processes according to ISO procedures and, more importantly for the sake of the public interest, c) this connection has been used “for ages” by the common people, the businesses and the Internet users worldwide and this has to be dully respected and taken into consideration.” Following the above, our position is that the authorities of the respective countries, territories and distinct economies (such as the European Union, for example) do have legitimate rights on the ISO 3166-1 codes.

Commented [C16]: WE have to make emphasis “here” in the strong participation of some GAC members in the Survey, as noted hereunder by Annabeth and the GAC rep from Greece!!!!

²³ Questions and a full overview of responses can be found in Annex [TBC]

Various members of the CWG supported the different options, and there was no clear consensus among the contributors to the CWG's request for input. GNSO submissions were most homogenous as they all supported the opening of eligibility for all 3-character codes as gTLDs and thus the removal of ISO-3166-1 alpha-3 codes from the gTLD-reserved list for future new gTLD rounds. Some ccTLD operators also supported this option, while the majority supported either maintaining the *status quo* or extending the allocation of the ISO-3166-1 alpha-3 codes to the countries' existing ccTLD providers.]

5.2.5. Discussion of the pros and cons of the options discussed in the Survey

In the Community feedback, supporting arguments were brought forward for each of the three options listed in the previous section:

Supporting to open all 3-character codes as gTLDs

- There is no sovereign or other ownership right of governments in country or territory names, including ISO3166-1 codes, so there is no legal basis for government veto power on allocation of these codes as gTLDs
- RFC-1591 – on which the allocation of 2-character codes as ccTLDs is based – does not refer to 3-letter codes as ccTLDs, so there is no basis in existing practice or policy for 3-character codes being used as or reserved for use as ccTLDs
- Precedent of .com/Comoros
- gTLD space was built initially on 3-character codes
- Banning 3 character codes would have impact on e-commerce and consumer choice
- Adding ISO-3 list as ccTLDs would blur the line between ccTLDs (so far exclusively 2 characters and gTLDs (so far 3+ characters)

Supporting the status quo

- Ensures governments can protect 'their country's' ISO code
- Avoid user confusion in differentiating which TLD represents a country and which is generic; i.e., whether .no is a ccTLD and .nor is a gTLD
- Allocation of 3-character codes to ccTLDs might lead to cannibalization of the 2-character ccTLDs
- Interests of a country's ccTLD provider and its government (in case of non-objection requirement) are not always aligned

Supporting extension of ccTLDs to 3-letter ISO lists

- Providing new business streams for ccTLD providers, especially smaller ones or those that have so far run 'their' ccTLD as an effective gTLD
- There are other reference lists for country codes - they should/could be taken into

Commented [AL17]: We should also mention the views of governmental representatives that answered, not only the views of gTLDs and ccTLDs. They are interesting, as the GAC view led to the text in the AGB as it is now. Since it is a cross community WG, also other views are interesting.

Commented [p18]: As the GAC rep of Greece, I do support mentioning the views of governmental representatives that answered the survey.

Commented [EB19]: This section consolidates arguments from the Discussion and General Observations from the CWG sections of the 3-character straw woman paper.

Commented [JA20]: • Isn't the AGB existing practice?

Commented [JA21]: • I wonder where this comes from. I would like to see some documentation on this.

consideration when protecting governments and countries

- Protection of ccTLDs, especially smaller ones, in a continuously growing TLD market, in which gTLDs have an almost unlimited choice of options to offer registrants

5.2.6. Additional supporting arguments for each potential option were raised in discussions among working group members:

Supporting extension of ccTLDs to 3-letter ISO lists

ccTLDs have had exclusive access to two-letter top-level domains since the inception of the DNS, and the preliminary recommendations of this CWG seeks not only to continue this existing practice and policy standard, but to preserve all two-letter combinations, not merely those provided for in the ISO-3166-1 alpha-2 standard. It might, therefore, not come as a surprise that six of the ten largest TLDs in the DNS are country codes.²⁴

Supporting an extension of allocating ISO-3166-1 alpha-3 codes to ccTLD providers or local government agencies, as suggested by a number of responses (see above), is not consistent with or supported by the simple and long-standing principle that 2-character codes are ccTLDs and 3+-character codes are gTLDs. This distinction has served the DNS well by preventing user confusion, providing consumer certainty, and ensuring fair competition.

Supporting the status quo

The status quo, based on the AGB, prevents all ISO-3166-1 alpha-3 codes from use as TLDs. The rationale for this is not to prevent cannibalization of existing ccTLDs, but rather to quarantine country and territory names, of which three character codes are a representation, for detailed consideration by a working group such as CWG.

Moreover, one of the principles applied for the CWG's decision on maintaining the status quo on ISO-3166-1 alpha-2 codes, namely to exclude all two-character codes from allocation to the DNS, was to assure that any newly-recognized country or territory should have assurance that its ISO-3166-1 alpha-2 code is available. Yet the fact that 153 three-character top-level domains are already in operation,²⁵ including the single largest legacy generics (.com) (the ISO-3166-1 alpha-3 code for the Comoros Islands), means that protection of ISO-3166-1 alpha-3 codes for future countries is not and cannot be guaranteed.

Commented [AL22]: Are we sure about the rationale behind the status quo put down here? As I remember it, there were different rationale behind this solution. Both to avoid user confusion and, if feasible, find solutions through a ccPDP which take all rationale in consideration.

Commented [p23]: '.com' is an exceptional case...

Commented [AL24]: Since extending ccTLDs to 3-letter ISO lists is not a realistic option, this argument is not valid. As I see it, Ascii 3-letter codes will never be used for ccTLDs – they belong in the g-world. If status quo from the AGB is preserved and ISO-3166-1 3 letters are just reserved, not taken in use by anyone and not used neither for ccTLDs nor gTLDs, it does not matter if future countries and territories will not have their 3-letter code preserved.

²⁴ <http://www.verisign.com/assets/infographic-dnib-Q32015.pdf>.

²⁵ <https://www.tldwatch.com/tld-summary-table/>

Supporting availability of all 3-character codes as gTLDs

The strongest argument against free availability of all 3-character strings in the next gTLD round is the possibility of user confusion. For example, .nl is a country but .nld would not be. This could be potentially aggravated by gTLD registries trying to run/market a gTLD as a country code, e.g.: register yourname.can the new domain space for Canada! Although there are arguments to be made about a free market, it must be acknowledged that the DNS from its earliest days has recognized a space for domestic two-letter ccTLDs, and that the use of these codes has had a positive impact on the development of a healthy and productive DNS sector, especially in countries where the domain name system is still in its infancy—of which there are many, especially in Africa, Central and Latin America, as well as parts of Asia. A change in the system that could potentially cannibalize ccTLD markets, especially in under-served regions, cannot be in the interest of the ICANN community.

That said, while the DNS has recognized a space for domestic two-letter ccTLDs, in both policy and practice this has manifested through adoption of the externally developed and maintained ISO 3166-1 alpha-2 standard, which has been adopted in many other contexts outside of the DNS. This is of course one of the most consistent and transparent rules of DNS: two-character TLD codes are country codes and three-character (or more) TLD codes are generic—a principle that was invoked by this CWG when agreeing to maintain the status quo for ISO-3166-1 alpha-2 codes as well as all other 2-character codes.

Given this CWG's mandate to evaluate the feasibility of a consistent standard applying to the use of country and territory names as TLDs, it is relevant here to point out this CWG's recommendations in relation to the use of ISO 3166-1 alpha-2 codes. This CWG's recommendation, to preserve such codes for use as ccTLDs, is based upon principles of transparency, predictability and the preservation of a clearly demarcated space for ccTLDs. To recommend that ISO 3166-1 alpha-3 codes are likewise preserved generates an obvious inconsistency with that earlier recommendation, as it erodes the predictability and clear demarcation of a ccTLD space and lacks transparency, as the ISO 3166-1 alpha-3 code has not previously been adopted for use in the DNS. Further, the .com/Comoros precedent and the increasing number of 3-character gTLDs introduced through the 2012 New gTLD Program make this an impracticable position.

Making available all three-character codes, which currently are not designated ISO-3166-1 alpha-3 codes, in future new gTLDs rounds risks the possibility of conflict with future recognition of countries. This could equally be construed as an argument to simply exclude all three-character combinations from future allocation, yet, with already 153 three character codes in the DNS, this seems an unreasonable position to take.

5.3. Preliminary Recommendation on 3-letter ASCII Codes

The working group was unable to reach a consensus opinion regarding 3-letter ASCII codes, therefore no recommendation has been put forward on this issue.

Commented [JA25]: •Removing cannibalize make the sentence ungrammatical

Commented [AL26]: I am not sure this stands. As long as 3-letter ISO 3166-1 alpha 3 is not used for ccTLDs, it does not mean that to preserve predictability they have to be used as gTLDs. It is a choice to just leave them alone and not use them for TLDs at all to avoid user confusion. The fact that .com already has been used, should not prevent this solution, as this is history. Even if .com is in use, this does not necessarily mean that all other ISO 3166-1 alpha 3 should be used.

Commented [p27]: I don't agree; on the contrary, I agree with Annebeth's comment above.

Commented [EB28]: As no consensus was reached by the group, recommendation text was not carried over from the straw woman paper.

6. **CWG-UCTN Conclusions and Recommendations for Future Work**

Commented [EB29]: Once the CWG-UCTN Progress Report is complete, text from the Progress Report will be used for the Conclusions and Recommendations section.

ANNEX A

Definitions

<p>Country and Territory Names</p>	<p>Context to this definition is provided above in the section “Background on Country and Territory Names in the DNS”.</p> <p>The term “country or territory names” was defined in Module 2, Section 2.2.4.1 of the AGB, as set out on page X, above.</p> <p>The term “country or territory names” has not elsewhere been defined in policy adopted by ICANN’s Board of Directors.</p> <p>This CWG-UCTN adopts the following definition for the purposes of its work:</p> <p><i>[For discussion: “The expression ‘names of States’ is meant to cover the short name of the State or the name that is in common use, which may or may not be the official name, the formal name used in an official diplomatic context, the historical name, translation and transliteration of the name as well as use of the name in abbreviated form and as adjective”.</i></p> <p>WIPO Study on Country Names, SCT/29/5 REV. ORIGINAL: ENGLISH DATE: JULY 8, 2013]</p> <p>Note that territory does not refer to regions or other sub-state entities of federal countries or similar. E.g. Australia’s ‘Northern Territory’ is a federal state and not considered a territory under this definition.</p> <p>Rather ‘territory’ refers to British overseas territories, such as the Cayman Islands, Australia’s external territories, such as the Christmas Islands, self-governing territories of the Danish Realm such as the Faroe Islands, or the Bouvet Island, a dependent territory of Norway.</p>
<p>Country Codes</p>	<p>These codes are understood as representations and/or identification of countries and territories for the purpose of the DNS Context to this definition is provided above in the section</p>

Commented [AL30]: In my view there is a need for further explanation of “Territory Names”, even if it is mentioned under the definition of ISO Codes further down. Experience shows that this is a area of confusion for many – mixing together the word “territory” with “regions” etc.

	<p>'Background on Country and Territory Names in the DNS.</p> <p>Prior to the New gTLD Program, country codes have been based upon the ISO 3166-1 standard.</p> <p>This CWG-UCTN adopts the following definition for the purposes of its work:</p> <p>[For discussion: <i>Standard (i.e. ISO) lists of 2 and 3 letter abbreviation of country names.</i>]</p>
CWG-UCTN	Cross-Community Working Group - Framework for Use of Country and Territory Names as TLDs
Chartering Organizations	Chartering Organizations of the CWG-UCTN, together the ccNSO and GNSO
ISO 3166-1	<p>Context to this definition is provided above in the section "Background on Country and Territory Names in the DNS".</p> <p>This CWG-UCTN adopts the following definition for the purposes of its work:</p> <p>[For discussion: The international standard developed by the International Standards Organization (ISO), and as maintained from time to time by ISO.]</p>
Study Group	ccNSO Study Group on the Use of Country and Territory Names
AGB	<p>The new gTLD Applicant Guidebook published 4 June 2012</p> <p>See: https://newgtlds.icann.org/en/APPLICANTS/AGB</p>

Commented [AL31]: Somewhere it should be mentioned that these codes are understood as representations or identifications of countries and territories.

ANNEX B

B. 1. Reserved Names Working Group

The GNSO, the body responsible under ICANN's Bylaws for making policy with respect to gTLDs,²⁶ had convened, prior to the ICANN Board's decision in 2008 to proceed with further gTLD expansion, a Working Group to review existing practice and make recommendations on the future use of reserved names ("Reserved Names Working Group" or "RN-WG"). The 2007 RN-WG's Report²⁷ recommended that the following work be conducted in relation to 'geographical & geopolitical names':

- a. Review the GAC Principles for New gTLDs with regard to geographical and geopolitical names
- b. Consult with WIPO experts regarding geographical and geopolitical names and IGO names
- c. Consult with the GAC as possible
- d. Reference the treaty [INSERT] instead of the Guidelines and identify underlying laws if different than a treaty
- e. Consider restricting the second and third level recommendations to unsponsored gTLDs only
- f. Restate recommendations in RN-WG report for possible use in the New gTLD evaluation process, not as reserved name
 - i. Describe process flow
 - ii. Provide examples as possible
 - iii. Incorporate any relevant comments from the IDN-WG report
- g. Provide a brief rationale in support of the recommendations, referring to the role of the category as applicable
- h. Edit other text of the individual subgroup report as applicable to conform with the fact that geographical and geopolitical names will not be considered reserved names
- i. Finalize guidelines for additional work as necessary

Helpfully, the Final Report of the RN-WG, dated 23 May 2007, identifies the then-status quo of "Reserved Names Requirements" as follows:

Category of Names	TLD Level(s)	Reserved Names	Applicable gTLDs
Geographic & Geopolitical	second level, and third level (if applicable)	All geographic & geopolitical names in	.asia, .cat, .jobs, .mobi, .tel and .travel

²⁶ ICANN, Bylaws for Internet Corporation for Assigned Names and Numbers, a California Nonprofit Public-Benefit Corporation (as amended 30 July 2014)
<https://www.icann.org/resources/pages/governance/bylaws-en>

²⁷ GNSO Reserved Name Working Group Report, <http://gnso.icann.org/en/drafts/rn-wg-fr19mar07.pdf>

		the ISO 3166-1 list (e.g., Portugal, India, Brazil, China, Canada) and names of territories, distinct geographic locations (or economies), and other geographic and geopolitical names as ICANN may direct from time to time	
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The roles of these names were reported as follows:

Protection afforded to Geographic indicators is an evolving area of international law in which a one-size fits all approach is not currently viable. The proposed recommendations in this report are designed to ensure that registry operators comply with the national laws for which they are legally incorporated/organized.

Several of the RN-WG's recommendations are relevant to the use of country names in the DNS and the current work of this CWG-UCTN:

Recommendation 5 – Single and Two Character IDNs of IDNA-valid strings at all levels: Single and two-character U-labels on the top-level and second-level of a domain name should not be restricted in general. At the top level, requested strings should be analyzed on a case-by-case basis in the new gTLD process, depending on the script and language used in order to determine whether the string should be granted for allocation in the DNS. Single and two character labels at the second level and the third level if applicable should be available for registration, provided they are consistent with the IDN Guidelines.

Examples of IDNs include .酒, 東京.com, تونس.icom.museum.

Recommendation 10 – Two Letters (Top Level): We recommend that the current practice of allowing two letter names at the top level, only for ccTLDs, remain at this time.

Examples include .AU, .DE, .UK

Recommendation 20 – Geographic and geopolitical names at Top Level, ASCII and IDN: There should be no geographical reserved names (i.e., no exclusionary list, no presumptive right of registration, no separate administrative procedure, etc.). The proposed challenge mechanisms currently being proposed in the draft new gTLD process would allow national or local governments to initiate a challenge, therefore no additional protection mechanisms are needed. Potential applicants for a new TLD need to represent that the use of the proposed string is not in violation of the national laws in which the applicant is incorporated.

However, new TLD applicants interested in applying for a TLD that incorporates a country, territory, or place name should be advised of the GAC principles, and the advisory role vested to it under the ICANN bylaws. Additionally, a summary overview of the obstacles encountered by previous applicants involving similar TLDs should be provided to allow an applicant to make an informed decision. Potential applicants should also be advised that the failure of the GAC, or an individual GAC member, to file a challenge

during the TLD application process, does not constitute a waiver of the authority vested to the GAC under the ICANN bylaws.

Recommendation 21 – Geographic and geopolitical names at all levels, ASCII and IDN: The term 'geopolitical names' should be avoided until such time that a useful definition can be adopted. The basis for this recommendation is founded on the potential ambiguity regarding the definition of the term, and the lack of any specific definition of it in the WIPO Second Report on Domain Names or GAC recommendations.

Recommendation 22 – Geographic and geopolitical names at Second Level & Third Level if applicable, ASCII and IDN: The consensus view of the working group is given the lack of any established international law on the subject, conflicting legal opinions, and conflicting recommendations emerging from various governmental fora, the current geographical reservation provision contained in the gTLD contracts during the 2004 Round should be removed, and harmonized with the more recently executed .COM, .NET, .ORG, .BIZ and .INFO registry contracts. The only exception to this consensus recommendation is those registries incorporated/organized under countries that require additional protection for geographical identifiers. In this instance, the registry would have to incorporate appropriate mechanisms to comply with their national/local laws.

For those registries incorporated/organized under the laws of those countries that have expressly supported the guidelines of the WIPO Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications as adopted by the WIPO General Assembly, it is strongly recommended (but not mandated) that these registries take appropriate action to promptly implement protections that are in line with these WIPO guidelines and are in accordance with the relevant national laws of the applicable Member State.

B.2. GAC Principles regarding use of “country and territory names” as new gTLDs

In March 2007, the Governmental Advisory Committee presented the GAC Principles regarding new gTLDs²⁸. In the document a set of general public policy principles were identified related to the introduction, delegation and operation of new generic top level domains. The principles were intended to inform the ICANN Board of the view of the GAC on issues relevant to the GAC concerning the new gTLDs. One of the principles related to the use of country and territory names as new gTLDs. According to section 2.2 of the document:

“ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.”

In 2008, at the Paris meeting, the GAC expressed its concern that the proposals until then re new gTLDs did not include provisions that reflected, among others, the GAC principle around the use of country and

²⁸ <https://gacweb.icann.org/display/GACADV/2007-03-28-gTLD-3?preview=/28278820/41943560/gac-principles-regarding-new-gtlds-28mar07-en.pdf>

territory names as new gTLD²⁹. At the time the GAC felt that “these are particularly important provisions that need to be incorporated into any ICANN policy for introducing new gTLDs³⁰”.

In response to the concerns raised, the ICANN Board directed staff “.. to continue to further develop and complete its detailed implementation...” . .. areas of concern that the GAC had referred to , namely paragraphs 2.2, ...of the GAC principles regarding new gTLDs (GAC principles) were still being considered by staff in the development of the implementation plan.”³¹

B.3. Country and Territory names in the Applicant Guidebook

In October 2008 ICANN published its first Draft Applicant Guidebook for public comment³². Under this version the following requirements were included with respect to Geographical names, including “country and territory names”.

The basic Policy requirement included in this version was that all applied for strings must be composed of three(3) or more visually distinct letters or characters in the script as appropriate. This ensured that all two-letter codes, including those listed in the ISO 3166-1 (in whatever category see Chapter 1 of this report) were excluded from the new gTLD program.

Secondly, the following requirements were included with respect to country and territory names:

2.1.1.4 Geographical Names

ICANN will review all applied-for strings to ensure that appropriate consideration is given to the interests of governments or public authorities in country or territory names, as well as certain other types of sub-national place names. The requirements and procedure ICANN will follow is described in the following paragraphs.

2.1.1.4.1 Requirements for Strings Intended to Represent Geographical Entities

The following types of applications must be accompanied by documents of support or non-objection from the relevant government(s) or public authority(ies).

- Applications for any string that is a **meaningful representation of a country or territory name listed in the ISO 3166-1 standard** (emphasis added) (see http://www.iso.org/iso/country_codes/iso_3166_databases.htm). This includes a representation of the country or territory name in any of the six official United Nations

²⁹ https://gacweb.icann.org/display/gacweb/GAC+32+Meeting+Paris%2C+France+21-26+June+2008?preview=/27131940/27198791/GAC_32_Paris_Communique.pdf

³⁰ Ibidem note 30

³¹ <https://www.icann.org/en/system/files/files/twomey-to-karklins-08aug08-en.pdf> .

³² <http://archive.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf>

languages (French, Spanish, Chinese, Arabic, Russian and English) and the country or territory's local language.

Note that this definition was derived and looked at the definition of strings to be eligible under the IDN ccTLD Fast Track Methodology, which was adopted by the ICANN Board of Directors in June 2008³³. According to the Fast Track Process, a "selected string" has to be a meaningful representation of the name of the country or territory (for a full definition see the IDNC WG Board Proposal and all versions of the Fast Track Implementation Plan³⁴, section 3.3) i.e. the string or close to the definition included in the of "country and territory names".

Following an extensive public comment period, and analyses the 2nd draft version of the Applicant Guidebook³⁵ was published in February 2009. This version included, among others, updates around the requirements with respect to geographic names, including country and territory names. According to the 2nd Draft version, "country and territory names" could in principle be applied for if support by government was documented (similar as under first draft). Again two letter codes were generally excluded from application. However the description of "country and territory names" was changed. In version 2 of the Draft Applicant Guidebook they were defined as:

- At a minimum a string composed of 3 or more visually distinct characters in the script, as appropriate (general requirement) and
- **Meaningful representation** (emphasis added) of a country or territory name listed in the ISO 3166-1 standard, as updated from time to time. A meaningful representation includes a representation of the country or territory name in any language.

A string is deemed meaningful representation of a country or territory name if it is:

- o The name of country or territory
- o A part of the name of country or territory denoting the country or territory
- o A short-form designation for the name of the country or territory that is recognizable and denotes the country or territory.

In March 2009, the GAC provided additional clarification with respect to section 2.2 of its principles.³⁶ In a letter to the ICANN board of directors. The GAC asserted that: "*Strings being meaningful representation or abbreviations of a country or territory name in any script should not be allowed in the gTLD space until the related IDN ccTLD policy development processes have been completed.*" Note that this view was based on an analysis of the first Draft Applicant Guidebook.

³³ <https://ccnso.icann.org/workinggroups/idnc-wg-board-proposal-25jun08.pdf>

³⁴ Latest version from 2013: <https://www.icann.org/en/system/files/files/idn-ccTLD-implementation-plan-05nov13-en.pdf>

³⁵ <https://archive.icann.org/en/topics/new-gTLDs/draft-rfp-clean-18feb09-en.pdf>, section 2.1.1.4.1 page 2-10

³⁶ <https://www.icann.org/en/system/files/files/karklins-to-dengate-thrush-10mar09-en.pdf>

This position was re-affirmed in the letter from the GAC to Board from 18 August 2009 including other comments on version 2 of the Draft Applicant Guidebook. In that letter the GAC proposed to include a general statement that meaningful representations or abbreviations of a country or territory name should not be allowed in the gTLD space. (In addition it was also stated that the use of exhaustive listings (e.g. ISO 3166-1) will not always cover all the ccTLD-like applications envisaged by the GAC and ccNSO.

In its response to the 18 August 2009 letter, the Board stated in its letter (dated 22 September 2009) that the definition contained in version 2 of the draft Guidebook, in particular the reference to “meaningful representation” was ambiguous and could cause uncertainty with applicants. Already following board discussions in March 2009, the Board had directed staff to provide greater specificity to what should be regarded a representation of a country and territory name and further on the scope of protection at the top level domain. This greater specificity would be included in the 3rd draft version of the Applicant Guidebook, which was published on 4 October 2009³⁷:

Country or territory names, meaning:

- an alpha-3 code listed in the ISO 3166-1 standard.
- a long- or short-form name listed in the ISO 3166-1 standard, or a translation of the long- or short-form name in any language.
- a long- or short-form name associated with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency.
- a “separable component of a country name” designated on a list based on the ISO 3166-1 standard.
- a “permutation or transposition” of any of the above, where “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’.

Further, under the 3rd version “country and territory names” could be applied for, however they had to be (MUST in terms of the 3rd version of draft Applicant Guidebook) be accompanied by documentation of support or non-objection from the relevant government or public authority.

Following the publication of version 3 of the draft Applicant Guidebook and after extensive discussions the ccNSO, urged the Board to exclude all country and territory names³⁸. Further, in its letter to the

³⁷ <https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-04oct09-en.pdf>

³⁸ <https://www.icann.org/en/system/files/files/disspain-to-dengate-thrush-21nov09-en.pdf>

Board from 10 March 2010, the GAC re-affirmed its interpretation of section 2.2 of the GAC new gTLD principles³⁹.

In its letter to the GAC from August 2010 the ICANN Board of Directors⁴⁰ asserted that in version 4 of the Draft Applicant Guidebook country and territory names would not become available for delegation in the first round of the new gTLD application process.

Further, and in addition, with regard to the definition of country (and territory) names, the Board explained again that it sought to ensure clarity for applicants and safeguards for governments and the broader community. Following a discussion during the Mexico city meeting (March 2009), the Applicant Guidebook had to be adjusted.

As indicated above and relevant in the context of this report the major change was the description of what should be regarded as a representation of a country or territory name in the generic space. Although it was *“acknowledged that ICANN had initially used the concept of ‘meaningful representation’ of a country or territory in the context of the IDN ccTLD Fast Track. This reflects the objective of rapid initial deployment of IDNs and the associated need to remove as many potential obstacles as possible. There have always been particular sensitivities about geographic names where non–Latin scripts and a range of languages are involved”*. The Board continues by saying: *“It does not follow that these considerations should automatically apply to the broader ccTLD and gTLD spaces. It is reasonable that the criteria for including names (the Fast Track) could be different than the criteria for excluding names (gTLDs).”*

As of 4th version of the Applicant Guidebook country and territory names were excluded of the first round of new gTLD applications and the description of what should be considered the representation of the name of country or territory remained unchanged. The 11 January 2012 version of the gTLD Applicant Guidebook in place during the new gTLD applications period provided that “[a] string shall be considered to be a country or territory name if:

- it is an alpha-3 code listed in the ISO 3166-1 standard
- it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language
- it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language
- it is the short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
- it is a separable component of a country name designated on the “Separable Country Names List,” or is a translation of a name appearing on the list, in any language. See the Annex at the end of this module.
- it is a 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

³⁹ <https://www.icann.org/en/system/files/files/karklins-to-dengate-thrush-10mar10-en.pdf>

⁴⁰ <https://www.icann.org/en/system/files/files/dengate-thrush-to-dryden-05aug10-en.pdf>

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”.

- it is 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.”⁴¹

ANNEX C

Community Comment methods

Annex D

Members, observers and other participants

See: <https://ccnso.icann.org/workinggroups/ccwg-unct.htm>

⁴¹ gTLD Applicant Guidebook Version 9 (11 January 2012), Module 2, Section 2.2.1.4.1, Treatment of Country or Territory Names, at <http://newgtlds.icann.org/en/about/historical-documentation/matrix-agb-v9>.