

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

**FINAL PAPER
(Final Draft)**

June 2017

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Executive Summary

This report sets 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 Charter¹ since its inception in 2014. 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, and held a High Interest Topic session at the Helsinki meeting (ICANN56). Throughout its deliberations to date, the CWG has noted an increase in the complexity and divergence of views and interests with respect to the use of names of country and territories as TLDs. Accordingly, the development of a consistent and uniform definitional framework to guide the definition of rules on the use of country and territory names as top level domains, across the SOs and ACs, has proven difficult to achieve.

Further, the CWG notes that its work overlaps with other community efforts, and given its limited mandate, the CWG has concluded that it will not be able to develop a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs. Therefore, the majority of the members of the Cross-Community Working Group on the Use of Country and Territory Names as Top-Level Domains conclude that continuing its work is not

¹ CWG-UCTN Charter, at <http://ccnso.icann.org/workinggroups/unct-framework-charter-27mar14-en.pdf>

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.

conducive to achieving the harmonized framework its Charter seeks.

At the same time, members of the CWG recognize that despite the complexity of the issue at hand, the aforementioned inconsistencies between various ICANN policies, and the limited mandate of the CWG, further work is needed and warranted. However, this work should be differently structured and embedded. A substantial majority of the members recommend that the chartering organisations:

1. Close this CWG in accordance with and as foreseen in the charter.
2. Recommend that 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. This is the only way, in our view, to determine whether a harmonized framework is truly achievable.
4. Recommend that future policy development work must facilitate an 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.

Seven public comments on the Interim Paper similarly expressed support for recommendations 1,2 and 4.⁴

The CWG could not agree on any recommended course on how to organise future work (i.e. how to effectuate recommendation 2 above). Public comments on the Interim Report provided no additional clarity in this regard. Several responses favored alternative A, one supported alternative C, and an additional comment sought greater clarity in the language of this recommendation.⁵

The CWG considered three alternatives for recommendation 3, which are set out directly below. Although a small majority is in favour of alternative C, a substantive minority supports alternative B. For this reason, all alternatives are included. One of the major concerns that was expressed with respect to these alternatives is that whatever structure is preferred, the issues pertaining to the use of names of countries and territories as TLDs are within the scope of both the ccNSO and GNSO policy development processes, and coordination is therefore needed.

⁴ Comments in support of these recommendations were submitted by ALAC, Business Constituency, CENTR, IPC, GAC Costa Rica, GAC Singapore, and Valideus. See Annex E for a summary of public comments.

⁵ See Annex E for additional details.

Alternative A

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 work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, 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.

Alternative B

To ensure that the conclusions and recommendations of a CWG will at one point have the authority of a policy developed through the relevant processes under ICANN's Bylaws, future work should take place with a clear view on how this work at some point will reach the authority of a policy developed as or relates to and provides input to formal policy development processes. With regard to the subject matter, the use of country and territory names as TLDs CWG notes that this should be defined with respect to both the ccNSO and GNSO Policy development processes. Due to the overlapping definitions used under existing policies, additional policy developed by one group, may impact and have an effect upon the policy developed by another group. Avoiding this issue may be achieved through a clearly drafted Charter or scope of work that sets out how these policy development processes will be informed. This addresses a key deficiency this CWG has encountered, 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.

Alternative C

Future work should clearly align with ICANN policy development processes, and should have a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform ICANN policy development.

Readers' Guide

This report is structured to record 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 separately contains a more in depth description of ISO 3166 and the related role of the ISO 3166 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 complexity of the topic and cross-community aspects of it, further and again related, Annex B of this paper

contains a description of the evolution of the definition of country and territory names leading up to the first round of the new gTLD process.

The ccNSO Study Group, and the CWG-UCTN are briefly 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 CWG offers its observations, conclusions and recommendations to the chartering organisations in Section 6.

1. Background on Use of Country and Territory Names in the Domain Name System (DNS)⁶

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 881.⁷ 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 need 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.⁸

The next phase of the formation and structuring of the DNS was documented in RFC 920,⁹ 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 of the ISO 3166 standard')¹⁰. Actual delegations of two-letter country code TLDs started in 1985, initially, to local academic institutions.

⁶ This is not intended to be a complete history of how the current framework of policies 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.

⁷ J. Postel, RFC 881: "The Domain Names Plan and Schedule", Nov. 1983, <https://tools.ietf.org/html/rfc881>

⁸ David D. Clark, RFC 814: "Name, Addresses, Ports and Routes", Jul. 1982, <https://tools.ietf.org/html/rfc814>

⁹ J. Postel and J. Reynolds, RFC 920: "Domain Requirements", Oct. 1984, <https://tools.ietf.org/html/rfc920>

¹⁰ ISO, *Country Codes: ISO 3166*, http://www.iso.org/iso/home/standards/country_codes.htm#2012_iso3166_MA

In November 1987, RFC 1032 (titled ‘Domain Administrators Guide’) was published. This RFC documented the evolution of ideas since set RFC 920, in particular and relevant in this context, policies for the establishment and administration of domains, including the use of ISO 3166 as the standard list for two-letter country codes assigned to countries. 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 codes.

1.2. RFC 1591

In March 1994, RFC 1591¹¹ was published, setting out the naming practice at that time. Amongst other items, 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, fundamental principles:

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 allocation and delegation of ccTLDs (and IDN ccTLDs).

¹¹ ISO, *Country Codes: ISO 3166*, http://www.iso.org/iso/home/standards/country_codes.htm#2012_iso3166_MA

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 Information Administration (NTIA), a division of the United States Department of Commerce.¹² 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 the source 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 for 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 "Codes for the representation of currencies", travel documents, postal sorting systems etc. and as ccTLDs.

The ISO body responsible for the standard 3166 is Working Group 2 "Coding of country names and related entities" of Technical Committee 46, "Information and documentation" (ISO/TC 46/WG2). Minor changes to the standard and updates to the code tables in the

¹² 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.

standard are the responsibility of a dedicated Maintenance Agency (ISO3166/MA). This Agency is currently made up of 14 voting members and approximately 25 non-voting members who 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.

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

The 3166 MA also maintains codes reserved for special usage, for example for (UN) travel documents, financial securities etc., and which are not directly related to geographic areas.

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 unclear whether the writer is referencing both the Assigned and the Reserved Codes or only the Assigned Codes.

Details on the ISO 3166 Standard

ISO codes are intended to be used in any application requiring the expression of current country names in coded form¹³. The term 'country names' is defined in section 3.4 of the Standard: a country name is a "name of country, dependency, or other area of particular geopolitical interest". That is the reason why the term 'countries and territories' is used as a

¹³ See Section 1 ISO 3166-1 latest edition (2013).

reminder that the ISO 3166 standard is not just about countries. Hence, for example the name of this CWG is use of country and territory names.

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 latest (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:

- ISO3166-1 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 homepage for the ISO 3166 standard can be found at:

http://www.iso.org/iso/country_codes. This page includes a link¹⁴ to the alpha-2 list of codes of all 657 country codes, of which only 249 are assigned. Also listed are the status of non-assigned codes (Unassigned and Reserved).

¹⁴ <https://www.iso.org/obp/ui/#search/code/>

1.3.2 Country and territory names in “proof of concept” new gTLDs (2001 and 2003)

Two ‘proof of concept’ new gTLD expansion initiatives, the first in 2000¹⁵ and the second in 2003¹⁶, together added fifteen new gTLDs to the DNS. Nearly all of these gTLDs utilize terms of a generic, categorical nature; none could be interpreted as identifying a ‘country name’, as that term is commonly understood^{17 18}.

1.3.3 Country and territory names in the new gTLD process (2012 AGB)

The use of names of countries and territories 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 Guidebook¹⁹. With subsequent versions of the gTLD Applicant Guidebook, the proposed way to handle use “country and territory names” as new gTLDs evolved.

The most significant changes were:

- Up and until the third version of the Applicant Guidebook (October 2008) country and territory names could in principle be applied for if support by a relevant government was documented. As of the fourth version all country and territory names are excluded from the first round of new gTLDs.
- The definition of what should be considered a “country or territory” changed over time. Initially (up and until the second version of the draft AGB) it contained a reference to the “meaningful representation or abbreviation of the name of a country or territory”. As of the third version (October 2009) the description was made more specific to ensure predictability.

¹⁵ ICANN, New TLD Program Application Process Archive, <http://archive.icann.org/en/tlds/app-index.htm>

¹⁶ ICANN, Information page for Sponsored Top-Level Domains, <http://archive.icann.org/en/tlds/stld-apps-19mar04/>

¹⁷ 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-parta-15dec03.htm>

¹⁸ A comprehensive evaluation of these initial expansion efforts is documented in Heather Ann Forrest, *The Protection of Geographic Names in International Law and Domain Name System Policy* (Wolters Kluwer, 2013)

¹⁹ <https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-18feb09-en.pdf> , section 2.1.1.4.1 page 2-10

In the Board-approved version of the AGB, which applied during the first round of new gTLD applications, the following basic rules applied:

- All two-letter code applications were excluded (Module 2, Section 2.2.1.3.2 String Requirements, paragraph 3.1)
- All strings representing country and territory names in all languages were excluded from the first round of new gTLDs (Module 2, Section 2.2.1.4.1), 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.”²⁰

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.

²⁰ 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>.

2. Background on the ccNSO Study Group (2011)

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:²¹

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,²² 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 SOs [sic] and ACs [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 countries and territories could be used as TLDs:

²¹ ccNSO SG Statement of Purpose, at <http://ccnso.icann.org/workinggroups/use-of-names-statement-of-purpose-31jan10-en.pdf>, at 2-3.

²² Final Report: <http://ccnso.icann.org/node/42227>

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 the ccNSO-GNSO CWG-UCTN (2014)

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.²³

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 AGB²⁴ 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-chairs²⁵ 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 topics. CWG members agreed at ICANN52 to adopt the approach proposed in the strawman options paper. This document is therefore built upon the structure established by the strawman options paper.

²³ 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.

²⁴ 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').

²⁵ Heather Forrest (GNSO), Annebeth Lange (ccNSO), Carlos Raul-Gutierrez (GNSO) and Paul Szyndler (ccNSO).

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 as Annex A to this paper. Relevant terms are defined within the text in their first usage and included in the annex for easy reference. In practice, the CWG-UCTN found it challenging to agree upon precise definitional language; to prevent the group's progress from stalling, work progressed without settling on precise definitions in some cases.

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. It was tasked 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 SOs and ACs; and
- Should such a framework be deemed feasible, provide detailed advice as to the content of the framework.

As a first step the CWG ensured that the relevant policies and practices pertaining to the use of country and territory names as TLDs have not changed. The CWG-UCTN notes that since the Final Report of the Study Group was published in October 2013, the ccNSO Framework of Interpretation CWG report on interpretation of RFC 1591 was adopted²⁶, however this did not affect the objective of this CWG.

A notable finding of the Study Group in its Final Report was the complexity of defining 'country and territory names'.²⁷ 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. Building upon this existing work, the CWG explored the feasibility and potential for the development of a 'consistent and uniform definitional framework' in top-level domain policy (across the ccTLD and gTLD namespaces):

²⁶ <https://ccnso.icann.org/node/46895>

²⁷ See also WIPO Study on Country Names, 2013

1. Country codes
 - a. Two- letter codes listed in Part 1: ISO 3166
 - b. Three letter codes; and
2. Long and short name of country and territories listed in ISO 3166 Part 1

For each category, the CWG considered:

- 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);
- Issues arising out of potential applicability of multiple policies
- Issues and feasibility of developing a framework to resolve the issues identified, including the rationale for the proposed resolution.
- Possible framework options, including an analysis of the benefits and burdens of each option.

To assist the CWG-UCTN in understanding the views and interests of the broader community, the CWG decided to request input from the different stakeholder groups, by sending out a set of questions to relevant groups, initially on the two-letter codes²⁸ and then on three-letter codes²⁹. Survey results are included in Annex D of this report.

²⁸ The questions with respect to two-letter codes are included in the option paper (<https://community.icann.org/download/attachments/49354211/Options%20Paper%2022%20June%202015.pdf?version=1&modificationDate=1440447490000&api=v2>) and were sent to each of the stakeholder groups participating in the CWG. The results were presented to the CWG and broader community at the Dublin meeting (ICANN 54). See:

https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents?preview=/49354211/56143676/AL_CWG_Dublin.pdf

²⁹ Letter from co-chairs to SO/AC chairs 9 September 2016.

Questions by the CWG-UCTN on 3-character codes with regard to the use of country and territory names as top-level domains:

1. In future, should all three-character top-level domains be reserved as ccTLDs only and be ineligible for use as gTLDs? What would be the advantage or disadvantage of such a policy?
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? What would be the advantage or disadvantage of such a policy?
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? What would be the advantage or disadvantage of such a policy?
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? What would be the advantage or disadvantage of such a policy?

Taking into account community responses and after long and intensive discussions, the CWG came up with a set of findings with respect to the two- and three-letter codes. These findings are presented below in Section 5.

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

Two-Letter Country Codes

5.1.1. Scope

This category of usage comprises two-letter country codes as identified in ISO 3166- Part 1.

5.1.2. Status Quo

Module 2 Section 2.2.1.3.2, String Requirements in the Applicant Guidebook, provides in relevant part (see Part III - Policy Requirements for Generic Top-Level Domains):

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 ISO 3166-1 standard.

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.

5. In future, should all IDN three-character strings be reserved exclusively as ccTLDs and be ineligible as IDN gTLDs? What would be the advantage or disadvantage of such a policy?

6. In future, should there be unrestricted use of IDN three-character strings if they are not in conflict with existing TLDs or any applicable string similarity rules? What would be the advantage or disadvantage of such a policy?

7. Do you have any additional comments that may help the CWG-UCTN in its discussion on three-character strings as top-level domains?

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 ISO 3166-1 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

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 CWG 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 ccTLDs might become effectively obsolete and create confusion beyond the DNS
- Risk of consumer confusion if a 2-character TLD is used by a multinational brand but it is also an acronym/brand of a local one (for example, BA = British Airlines but also Banco Atlántico)
- ccNSO community put in a lot of effort over the last 30 years to establish 'ccTLD brands', which would depreciate if two-letter code TLDs were 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 could 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 is 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 CWG attributes 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 CWG 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 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. Note that the codes to be freely assigned by users and the reserved alpha-3 codes were not considered
- 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 are many). Also note that that ISO doesn't claim any legal status of standards. It is up to the users to define that.

5.2.4. Potential Options as per SOs/ACs Survey

To facilitate the CWG'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 Organizations and Advisory Committees. This survey presented a range of options for such a policy framework on ISO 3166-1 alpha-3 codes.³⁰

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

- 1) support for opening all ISO 3166-1 alpha-3 codes to be eligible as gTLDs;
- 2) support for the status quo (i.e., ISO 3166-1 alpha-3 codes entirely excluded from eligibility as gTLDs); and
- 3) 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.

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. Submissions supporting this point of view included responses from the GNSO Registry Stakeholder Group and the GNSO Intellectual Property Constituency, as well as individual responses from Brian Winterfeldt & Griffin Barnett, Partridge and Garcia PC, Yuri Takamatsu, and .de. A second group of responses supported maintaining the status quo with respect to the use of three-character top-level domains. These comments included a submission from the GAC as well as individual comments from GAC Afghanistan, GAC Finland, GAC Norway, .ar, .be, .fi, .no, and .pl. A third group of responses supported extension of ccTLDs to 3-letter ISO lists. Submissions in support of this position came from .cr, .hk, .hn, .pa, .tn, and .sv. The response from GAC Switzerland did not neatly fall into these categories, but supported a hybrid of options two and three.

In addition to these inputs, the Council of European National Top-Level Domain Registries (Centr) conducted a survey of its members on the topics included in the questionnaire. A summary of the survey results is available as Annex D of this paper.

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

³⁰ Questions and a full overview of responses can be found in Annex D of this paper.

In the community feedback³¹, 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 ISO 3166-1 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-letter 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 consideration when protecting governments and countries
- Protection of ccTLDs, especially smaller ones, in a continuously growing TLD market,

³¹ At this stage the CWG will not go into the merits of any of the claims or assertions made.

in which gTLDs have an almost unlimited choice of options to offer registrants

5.2.6. Additional supporting arguments for each potential option 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 seek 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.³²

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 to quarantine country and territory names, of which three-character codes are a representation, for detailed consideration by a working group such as this 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 as gTLDs, was to ensure 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,³³ including the single largest legacy generic gTLD .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 will not be feasible.

³² <http://www.verisign.com/assets/infographic-dnib-Q32015.pdf>.

³³ <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 undermine 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 153 three-character codes

already 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.

6. CWG-UCTN Conclusions and Recommendations for Future Work

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

In October 2015³⁴, following having conducted an informal survey of the ICANN community on the current use and expectations in relation to 2-letter codes, the CWG reached a preliminary conclusion that the existing ICANN policy of reserving 2-letter codes for ccTLDs should be maintained. This preliminary conclusion was 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 CWG expressly did not base its preliminary conclusion on any claims to legal or other rights or interests in 2-letter country codes or to confusion-related concerns.

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

Having reached a preliminary conclusion on alpha-2 letter country codes, the CWG turned its attention in late 2015 to 3-letter codes. It was immediately noted by the group that, while two-letter codes have a long-standing role in DNS policy and procedure originating with RFC 1591,

³⁴ Cross-Community Working Group - Framework for use of Country and Territory Names as TLDs (CWG - UCTN). strawman options paper, version 21, September 2015: <https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents?preview=/49354211/56143211/Options%20Paper%2015%20October%202015%20.doc>

ICANN had not consistently extended the same protections and definitions to three-letter codes. It was further noted that TLDs and the ISO 3166-1 alpha-3 standard have coexisted, with occasional intersections, for many years with no significant policy-based conflicts. Notably, the final version of the New gTLD Applicant Guidebook removed ISO 3166-1 three-letter codes from eligibility without reserving these codes for potential use as ccTLDs or for any other use.³⁵

The following examples illustrate the outcome of inconsistencies:

- 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.
- ISO 3166-1 alpha-3 country codes that could be of interest to countries to use for the local community or for purposes related to the country or territory identified are currently protected and are not available for delegation.
- Some three-letter codes, such as “.com,” already exist as TLDs. .com is the largest gTLD and also the ISO 3166-1 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 most populous gTLD to date. Any attempt at retrospective application of protectionist policies for three-letter codes would provide an undesirable policy conflict and a destabilizing, unenforceable influence.
- Existing Reserved Names restrictions operate to prevent the use as TLDs of certain three-letter codes on the ISO list (such as .NIC).³⁶
- 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.
- 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, plus ongoing overlapping efforts across the ICANN community relating to future policy on geographic names more broadly, could potentially lead to an inconsistent treatment of country and territory names. That is, certain representations could be prohibited from use 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

³⁵ New gTLD Applicant Guidebook clause 2.2.1.4.1(i), at <https://newgtlds.icann.org/en/applicants/agb>.

³⁶ 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

given current “one per official/designated language” provisions of the fast track process³⁷ and future IDN ccTLD policy.

With the input of and guidance from experts familiar with ISO processes, it was noted that the 3166-Part 1 (both alpha-2 and 2-letter codes) itself is dynamic, that is entries in the list come and go to reflect geo-political changes. The creation of new countries and the dissolution of others means that not even this most fundamental guideline in the context of the use of country and territory names as TLDs is not stable, which will cause its own complexities and challenges.

SO/AC survey

Replicating its approach to considering the issue of alpha-2 letter codes, to facilitate the group’s discussion and to gather different viewpoints from the wider community, the CWG developed and distributed an informal survey to ICANN’s Supporting Organisations and Advisory Committees. This survey presented a range of options for a potential future 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. On analyzing the survey results, the CWG found it difficult to reconcile competing views and interests and the varying level of detail and rationale in responses; a ‘straw woman’ document was circulated but not agreed upon by the CWG.³⁸ The survey results can be found on the WG wiki space.³⁹

Cross-community session ICANN56

The CWG is also aware of other discussions relating to geographic names in the ICANN community. These include discussions among members of the GAC regarding the treatment of geographic names at the top level and regarding country names and 2-letter country/territory codes at the second level⁴⁰; and the New gTLD Subsequent Procedures PDP.

³⁷ IDN Fast Track Process <https://www.icann.org/en/system/files/files/idn-ccTLD-implementation-plan-05nov13-en.pdf>

³⁸ CCWG on the Use of Country and Territory Names as TLDs - Straw Woman Paper on 3 character codes as TLDs: https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents?preview=/49354211/59640250/StrawWoman_3charactercodes_v0.5-ColinsComments.pdf

³⁹ CWG wiki space: <https://community.icann.org/display/CWGOUCNT/Output+and+Draft+Documents>

⁴⁰ The recent GAC-Helsinki Communiqué: <https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee?preview=/27132037/43712811/2>

With this and other ongoing activities in mind, the CWG seized the opportunity presented by ICANN’s first “policy forum” public meeting, ICANN56 in Helsinki, to have a broader, cross-community discussion on topics relating to the use of country and other geographic names to better gauge whether a harmonized framework would be feasible. The purpose of this cross-community session, referred to as the “country and other geographic names forum”, 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 CWG noted diverging interests and opinions across all communities.

Since that time, the CWG has additionally noted the recent GAC-Helsinki communiqué,⁴¹ which 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 and recommendations on feasibility of a uniform definitional framework

Comments and observations

- Despite several efforts to engage the wider community, the CWG was mainly driven by participants from the ccNSO and GNSO. Lower or inconsistent levels of involvement by other segments of the ICANN community have made it difficult to pursue community-wide solutions, yet the cross-community session in Helsinki clearly evidenced a broader, community-wide interest in this topic.
- 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

0160630_GAC%20ICANN%2056%20Communique_FINAL%20%5B1%5D.pdf, 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.

⁴¹ GAC Communiqué ICANN56, Helsinki, Finland

https://gacweb.icann.org/display/gacweb/Governmental+Advisory+Committee?preview=/27132037/43712811/20160630_GAC%20ICANN%2056%20Communique_FINAL%20%5B1%5D.pdf

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 Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs,⁴² the IDN ccPDP. 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 RFC 1591 and administrative procedures such as those followed by IANA, in accordance with ISO 3166-1, in the delegation and redelegation of ccTLDs. More details can be found in the final report⁴³ of the ccNSO Study Group which pre-dated the formation of this CWG.

- In addition to these existing work streams, new discussions are underway in two GNSO PDPs launched earlier this year, the New gTLD Subsequent Procedures PDP,⁴⁴ and the Review of All Rights Protection Mechanisms in all gTLDs PDP.⁴⁵ In Helsinki, the CWG co-chairs liaised with the co-chairs of the New gTLD Subsequent Procedures PDP to discuss the PDP’s scope, which notably includes policy on reserved names and recognition of legal rights in 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

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,

⁴² Wiki GAC Geographic Names Working Group

<https://gacweb.icann.org/display/gacweb/GAC+Working+Group+to+Examine+the+Protection+of+Geographic+Names+in+any+Future+Expansion+of+gTLDs>

⁴³ ccNSO study Group on the use of country and territory names: final report:

<http://ccnso.icann.org/workinggroups/unct-final-02jul13-en.pdf>

⁴⁴ WG charter New GTLD subsequent procedures <https://gnsso.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>

⁴⁵ Annex C –Draft Charter for a PDP WG on a Next-Generation gTLD Registration Directory Service (RDS) to Replace WHOIS <http://gnsso.icann.org/en/drafts/whois-ng-gtld-rds-charter-07oct15-en.pdf>

including the ccNSO, GAC and GNSO Council, and held a High Interest Topic session at the Helsinki meeting (ICANN56). Throughout its deliberations to date, the CWG has noted an increase in complexity and divergence of views and interests with respect to the use of names of country and territories as TLDs and hence, the development of a consistent and uniform definitional framework to guide the definition of rules on the use of country and territory names as top-level domains across the respective SOs and ACs has been made challenging.

Further, the CWG notes that its work overlaps with other community efforts, and given its limited mandate, will not be able to develop a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs. Given the importance of country and territory names to a wide range of stakeholders, and although all involved have put in their best efforts to find a solution, the majority of the members of the Cross-Community Working Group on the Use of Country and Territory Names as Top-Level Domains concludes that continuing its work is not conducive to achieving the harmonized framework its Charter seeks.

Recommendations

In light of 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 is of the opinion that work on use of names of country and territory names as TLDs should continue. However, and despite its best efforts, the CWG could not agree unanimously on the way forward. In effect, the divergence of views on how the issues identified should be addressed increased over time. Initially the CWG broadly supported the following recommendations 1, 2, and 4, and different views were expressed on recommendation 3. Over time the support for the recommendations shifted. Just before finalisation of this paper, a vast majority of the members who responded to an internal survey (response rate 20 out of 50) supported recommendation 1, 2, 4 and some form of recommendation 3. A minority did not support any of the recommendations or abstained.

Recommendation 1

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

Recommendation 2

The CWG recommends that the ICANN community consolidate all policy efforts relating to geographic names (as that term has traditionally been defined very broadly to this point) to enable in-depth analyses and discussions on all aspects related to all geographic-related names.

This is the only way, in our view, to determine whether a harmonized framework is truly achievable.

Recommendation 3

The CWG could not agree on any of the alternatives for recommendation 3. As noted based on a survey poll, the majority of the members/participants in the CWG who participated in the poll (20), expressed support for one form or another of recommendation 3. A small majority of respondents supported alternative C, and a large minority alternative B. Please note that this should be interpreted as a sense of the direction of travel preferred by members of the WG. One of the major concerns, expressed by some members of the CWG, is that whatever structure is preferred for future work, the issues pertaining to the use of names of countries and territories as TLDs are within the scope of both the ccNSO and GNSO policy development processes. For example, how full names of countries and territories, other than Latin scripts, are dealt with. These issues should therefore be addressed through a coordinated effort under both processes.

Recommendation 3 Alternative A

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 work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, 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.

Some members of the WG raised the concern that issues that are in scope of both the ccNSO and GNSO policy development processes, for example how full names of countries and territories other than Latin scripts are dealt with, should be addressed through a coordinated effort under both processes.

Recommendation 3 Alternative B

To ensure that the conclusions and recommendations of a CWG will at one point have the authority of a policy developed through the relevant processes under ICANN's Bylaws, future work should take place with a clear view on how this work at some point will reach the authority of a policy developed as or relates to and provides input to formal policy development processes. With regard to the subject matter, the use of country and territory names as TLDs, the CWG notes that this should be defined with respect to both the ccNSO and GNSO Policy development processes. Due to the overlapping definitions used under existing

policies, additional policy developed by one group may impact and have an effect upon the policy developed by another group. Avoiding this issue may be achieved through a clearly drafted Charter or scope of work that sets out how these policy development processes will be informed. This addresses a key deficiency this CWG has encountered, 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.

Recommendation 3 Alternative C

Future work should clearly align with ICANN policy development processes, and should have a clearly drafted Charter or scope of work that sets out how conclusions and recommendations will inform ICANN policy development.

Recommendation 4

Future policy development work must facilitate an 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.

Public Comment

The CWG held a public comment period for the Interim Report and received 15 responses from the community. The CWG specifically sought feedback on recommendations 1-4, and received a number of responses about these recommendations. Seven comments expressed support for recommendations 1,2, and 4 and none expressed opposition to these recommendations.⁴⁶ Public comments on the Interim Report provided no additional clarity with respect to recommendation 3. Several responses favored alternative A, one supported alternative C, and an additional comment sought greater clarity in the language of this recommendation.⁴⁷

A number of responses addressed potential avenues for future work as well as the treatment of 2-letter codes, 3-letter codes, and full country and territory names. Since there is substantial support for closing this CWG in accordance with and as foreseen in the charter, the CWG has collated these comments in Annex E to be considered by the appropriate groups going forward.

⁴⁶ Comments in support of these recommendations were submitted by ALAC, Business Constituency, CENTR, IPC, GAC Costa Rica, GAC Singapore, and Valideus. See Annex E for a summary of public comments.

⁴⁷ See Annex E for additional details.

ANNEX A

Definitions

Country and Territory Names	<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 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 oversea 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>
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Country Codes	<p>These codes are understood as representations and/or identification of countries and territories for the purpose of the DNS.</p> <p>Context to this definition is provided above in the section Background on Country and Territory Names in the DNS. 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>

ANNEX B

Evolution of policy and its implementation on use of names of countries and territories under the new gTLD Program

B. 1. Reserved Names Working Group

The GNSO, the body responsible under ICANN's Bylaws for making policy with respect to gTLDs,⁴⁸ 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 Report⁴⁹ 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 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

⁴⁸ 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>

⁴⁹ GNSO Reserved Name Working Group Report, <http://gnso.icann.org/en/drafts/rn-wg-fr19mar07.pdf>

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 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	.asia, .cat, .jobs, .mobi, .tel and .travel

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 gTLDs⁵⁰. 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 territory names as new gTLD⁵¹. At the time the GAC felt that *“these are particularly important provisions that need to be incorporated into any ICANN policy for introducing new gTLDs^{52”}*.

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

⁵⁰ <https://gacweb.icann.org/display/GACADV/2007-03-28-gTLD-3?preview=/28278820/41943560/gac-principles-regarding-new-gtlds-28mar07-en.pdf>

⁵¹ https://gacweb.icann.org/display/gacweb/GAC+32+Meeting+Paris%2C+France+21-26+June+2008?preview=/27131940/27198791/GAC_32_Paris_Communique.pdf

⁵² Ibidem note 30

principles) were still being considered by staff in the development of the implementation plan.”

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

In October 2008 ICANN published its first Draft Applicant Guidebook for public comment⁵⁴. 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

⁵³ <https://www.icann.org/en/system/files/files/twomey-to-karklins-08aug08-en.pdf>

⁵⁴ <http://archive.icann.org/en/topics/new-gtlds/draft-rfp-24oct08-en.pdf>

Nations 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 2008⁵⁵. 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 Plan⁵⁶, 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 Guidebook⁵⁷ 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 second 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:
 - The name of country or territory
 - A part of the name of country or territory denoting the country or territory
 - A short-form designation for the name of the country or territory that is recognizable and denotes the country or territory.

⁵⁵ <https://ccnso.icann.org/workinggroups/idnc-wg-board-proposal-25jun08.pdf>

⁵⁶ Latest version from 2013: <https://www.icann.org/en/system/files/files/idn-cctld-implementation-plan-05nov13-en.pdf>

⁵⁷ <https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-18feb09-en.pdf>, section 2.1.1.4.1 page 2-10

In March 2009, the GAC provided additional clarification with respect to section 2.2 of its principles.⁵⁸ In a letter to the ICANN Board of Directors. The GAC asserted that: *“Stings 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.

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 of top-level domains. This greater specificity would be included in the 3rd version of the Draft Applicant Guidebook, which was published on 4 October 2009⁵⁹:

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 316-1 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

⁵⁸ <https://www.icann.org/en/system/files/files/karklins-to-dengate-thrush-10mar09-en.pdf>

⁵⁹ <https://archive.icann.org/en/topics/new-gtlds/draft-rfp-clean-04oct09-en.pdf>

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 names⁶⁰. Further, in its letter to the Board from 10 March 2010, the GAC re-affirmed its interpretation of section 2.2 of the GAC new gTLD principles⁶¹.

In its letter to the GAC from August 2010 the ICANN Board of Directors⁶² 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 continued 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).”*

⁶⁰ <https://www.icann.org/en/system/files/files/disspain-to-dengate-thrush-21nov09-en.pdf>

⁶¹ <https://www.icann.org/en/system/files/files/karklins-to-dengate-thrush-10mar10-en.pdf>

⁶² <https://www.icann.org/en/system/files/files/dengate-thrush-to-dryden-05aug10-en.pdf>

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 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.”⁶³

⁶³ 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>.

ANNEX C

Working Group Members

ccNSO

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- Neil El Himam, .id
- Jordi Iparraguirre,
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- Jacqueline Morris, .tt
- Sebastien Pensis, .eu
- Sanna Sahlman, .fi,
- Grigori Saghyan, .am
- Ron Sherwood, .vi
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- Mason Cole, RySG
- Sonigitu Ekpe, NCUC
- Heather Forrest, IPC (Co-Chair)
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- Carlos Raul Gutierrez, Nomcom Appointee to the GNSO (Co-Chair)
- Scott Harlan, IPC
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- Osvaldo Novoa, IPC
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- Susan Payne, IPC
- Ganeswar Sahoo, NCUC
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ALAC

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- Olga Cavalli, Argentina
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- Mzia Gogilashvili, Georgia
- Nigel Cassimire, Caribbean Telecommunications Union (CTU)
- Ornulf Storm, Norway
- Panagiotis Papaspiliopoulos, Greece
- Milagros Castanon Seoane, Peru
- Tracey Hind, observer from the GAC secretariat

Other

- Jaap Akkerhuis, Expert

Annex D

Overview of Responses on 3-character codes – Question 1-4 (as of 15 December 2015)

	<p><i>1. In future, should all three-character top-level domains be reserved as ccTLDs only and be ineligible for use as gTLDs? What would be the advantage or disadvantage of such a policy?</i></p>	<p><i>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? What would be the advantage or disadvantage of such a policy?</i></p>	<p><i>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? What would be the advantage or disadvantage of such a policy?</i></p>	<p><i>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? What would be the advantage or disadvantage of such a policy?</i></p>
<p>Registry Stakeholder Group</p>	<p>No. There is no basis under international law for all 3-character codes to be reserved for use only as ccTLDs and ineligible as gTLDs. Countries and country-code operators have no valid claim to sovereignty or ownership rights over 3-character codes. Whilst the RFC-1591 <i>Domain Name System Structure and Delegation</i> of March 1994 is considered by some to provide</p>	<p>We refer to our response to question 1. All 3-character codes should be eligible for use as gTLDs, regardless of whether they are listed as alpha-3 codes from the ISO 3166-1 list. It should be noted that “COM” is included on that list and thus there is precedent for such 3-letter codes to be allocated as gTLDs. It would only be acceptable to reserve alpha-3</p>	<p>No. See responses for questions 1 and 2. Governments and public bodies have no sovereignty over these terms and should not be seeking to have control or veto over their use.</p>	<p>Yes, we consider that this would be the most appropriate approach for the future, except in cases where international law, or some other agreed-upon restriction (such as that on the use of “www”) dictates otherwise. This would have the advantages of removing a restriction which lacks any basis in international law and making such strings available</p>

	<p>a basis and historical justification for the continued reservation of 2-character codes for use as ccTLDs, it provides no such basis for reserving 3-character codes. Furthermore, we understand that it has been suggested by some that to allow 3-character codes to be used as gTLDs gives rise to a risk of confusion with the ccTLDs. This argument is unsupportable. There is no precedent for 3-character codes to be reserved as ccTLDs and ineligible for use as gTLDs. Quite the reverse, in fact. The RFC-1591 identified seven 3-letter gTLDs, and thus from at least as early as 1984 users of the internet have learned to recognise 3-character codes as such, and not as ccTLDs. Since that time, and particularly now as a result of the first round of new gTLDs, there are numerous examples of 3-character strings which have already been allocated as gTLDs. These include those legacy gTLDs</p>	<p>codes where the use of these codes is restricted as a matter of international law. This is not the case: the ISO 3166 list is simply a standard and has no basis in international intellectual property or otherwise as establishing or confirming ownership rights or in prohibiting use.</p>		<p>for registration by any applicant in a new gTLD round.</p>
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	<p>including .com, .net, .org, and new gTLDs, including .app, .bbc, .bio, .cab, .cfd, .fox, .nyc, .rio. Whilst the numbers of three-character strings already allocated are too numerous to list in full, it can be seen from this small snapshot that they include a range of gTLD types: brands, cities, open restricted, and open generic registries. If confusion were to occur, it would be by reserving 3-character codes for use as ccTLDs, when the public recognise these strings as being gTLDs, and ccTLDs as being 2-letter codes.</p>			
<p>Brian Winterfeldt, Griffin Barnett</p>	<p>This would prevent any future applications for three-character combinations as gTLDs. We oppose this option.</p>	<p>This would prevent any applications for three-character combinations as gTLDs that match any alpha-3 codes, reflecting the current status quo. Alpha-3 codes have never been used as active TLDs by any country or territory, even though they have been assigned. There is no legal basis for government ownership, control, or priority</p>	<p>This would prevent any applications for three-character combinations as gTLDs that match any alpha-3 codes, without the relevant government's consent. There is no legal basis for requiring such consent, and no legal basis for government ownership, control, or priority over these names. Alpha-3 codes have never been used as active TLDs by any country or territory, even though</p>	<p>This would permit any gTLD applications so long as the string were not confusingly similar to another previously-delegated or applied-for string. This is the most logical and legally-sound option. We support this option.</p>

		over these names. We oppose this option.	they have been assigned. We oppose this option.	
GAC – Afghanistan	<p>It only creates confusion between users for ccTLDs and gTLDs.</p> <p>ccTLD is driven by local law where the gTLD is driven by the global law, this itself is a big confusion for users. If in the future there were any plan then it would be feasible to have 3 letters strings only for use in ccTLDs.</p> <p>A good example in our case is AFG which is the abbreviation for Afghanistan but there are various companies like American Financial Group in USA, Australian Financial Group in Australia, Al Futtaim Group in UAE, Advent Film Group that use the same abbreviation for their brand names, this would create serious issues between the government and private sector.</p> <p>Advantage is that there will be more sells for gTLDs and some brands might get their 3 letters TLD.</p>	<p>No, the use of 3 characters strings as gTLDs must receive no objection letter from the governments and other public authorities first.</p> <p>Advantage is: they will have open hand to register any string for their brads no matter it is in conflict with the ccTLD.</p> <p>Disadvantage is that governments and other public authorities will have no knowledge of the strings being registered for their businesses.</p>	<p>As long as it is not in conflict with existing alpha 3 codes from ISO 3166-1 list, they are good to proceed.</p> <p>The only advantage is that there will be consultation and no objection letter needed from the government that gives the government and other public authority to closely review the string</p> <p>Disadvantage would be the same (Confusion for users)</p>	<p>No, the use of 3 characters strings as gTLDs must receive no objection letter from the governments and other public authorities first.</p> <p>Advantage is: they will have open hand to register any string for their brads no matter it is in conflict with the ccTLD.</p> <p>Disadvantage is that governments and other public authorities will have no knowledge of the strings being registered for their businesses.</p>

	Disadvantage is that it creates confusion for users			
GAC – Norway	<p>The question is not asked correctly. We don't think 3-letter country codes should be used at all (unless for some instances of IDN ccTLDs and gTLDs. See answers below on Q5). They should not be reserved for ccTLDs neither should they be used for gTLDs. The reason for this is the 3-letter country code represent the same country or territory as the 2-letter country code. Therefore, using these 3-letter codes at all could create end user confusion. Using the 3-letter country codes for ccTLDs could be a confusion for the end user since the 3-letter country codes has so strong association to the country and could therefore by the end user be mixed up with the existing ccTLD.</p>	<p>No. Certain 3-letter codes have already been used for gTLDs and there are actually some instances of them being on the 3-letter country code list. To use more 3-letter codes for new gTLDs will increase the risk for end user confusion, so our suggestion is to not use any new three letter code at all for new neither ccTLDs nor gTLDs.</p>	<p>No, the 3-letter codes should not be used at all. Again, end user confusion.</p>	<p>No. As stated before. We do not think it is a good idea to use more 3-letter codes for any new top level domains.</p>
Intellectual Property Constituency	<p>Three-character top-level domains should be eligible for use as gTLDs and should not be</p>	<p>All three-character top-level domains should be eligible for use as gTLDs regardless of</p>	<p>There should be no "support/non-objection" process for governments and public</p>	<p>There should be unrestricted use of three-character strings as gTLDs if they are not</p>

	<p>reserved as potential ccTLDs. The IPC acknowledges the work of the CWG-UCTN to date and notes its findings in relation to RFC1591 and the historical, standardized practice relating to the use in the DNS of ISO 3166 alpha-2 2-letter codes arising from the adoption of that standard in the design of the DNS. There is no such practice in the DNS in relation to 3-letter codes. Further, ISO 3166-1 alpha-3 codes are three-letter country codes defined in ISO 3166-1, part of the ISO 3166 standard published by the International Organization for Standardization (ISO), to represent countries, dependent territories, and special areas of geographical interest based upon the alpha-2 codes (there is a third set of codes, which is numeric and hence offers no visual association). As such, the countries and geographic interests represented thereby are wholly represented in ISO 3166 alpha-2. In other words,</p>	<p>whether they are “in conflict with” the existing alpha-3 codes from the ISO 3166-1 list. As explained in its response to Question 1, there is no existing, standardized practice in the DNS of using 3-letter codes to represent countries and territories. In fact, there is no such practice at all. The purpose of protecting countries and geographic interests is completely achieved by the reservation of the two letter codes contained in ISO 3166 alpha-2. There would be a vast increase in blocked names and words by increasing the prohibition from two letters to three, the IPC is greatly concerned over the impact that such a policy would have on the robust growth of the gTLD space, property rights, free speech and openness. No compelling and legally or technically justified reason for such an exclusionary policy has been</p>	<p>authorities. As the IPC has highlighted in its previous comments in relation to geographic domain name policy, there is no basis in international law for a support or non-objection requirement. Such a requirement is <i>de facto</i> a veto. This introduces significant uncertainty for applicants, in direct contrast to the goals of top-level expansion. Such a process also implies that governments and public authorities have a legal or sovereign right to “their” ISO 3166-1 alpha-3 code. We know of no basis for such an assertion. To the extent that parties have legally recognized rights in 3-character strings, they should submit to binding arbitration in an internationally recognized forum in which objective and reasonable standards apply. The IPC does not support restricting the eligibility of 3-character TLDs on the basis of the ISO 3166-1 alpha-3 standard.</p>	<p>conflicting with any applicable string similarity rules. The IPC supports unrestricted use of 3-character strings as gTLDs if they are not conflicting with applicable string similarity rules. It should be noted that string similarity rules have been applied to strings of any length, so it is unclear why this question is being asked. We would assume that three-character applications would be subject to all of the same rules as any other string (and not to any “special” rules).</p>
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	<p>reservation of 3 letter codes would be completely duplicative, redundant and serve no apparent purpose. Further, no perceived advantage or necessity has been identified by the technical or country code community for such an expansion, and the IPC has been unable to identify any advantage of such a policy.</p> <p>In contrast, there are extremely significant disadvantages to such a policy. The gTLD space has historically been built on three-character codes, such as .com, .net, and .org, and there is a high degree of consumer comfort and technical comfort with three-character gTLDs. This can be seen in the new gTLDs as well; for example, there were several applications for .web and .app, and a significant number of other applications new gTLDs adopted the traditional three-letter format. Such an expansion would (i) remove all three-letter words and</p>	articulated.		
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	<p>acronyms from consideration as gTLDs (as well as all other three-character combinations), (ii) be impractical and effectively extinguish rights in existing 3-letter gTLDs, and (iii) would significantly impinge upon well-established, internationally-recognized private rights without justification, and (iv) remove other opportunities for appropriate and important gTLDs (e.g., .CAT).</p> <p>More specifically, placing restrictions on 3-character strings effectively results in the exclusion of over 17,000 potential new gTLDs from the DNS, many of which are commonly used words or famous or well-known trademarks. This is inconsistent with many of these countries'/states' own trademark laws and is a significant impediment to the ability of rights holders worldwide to participate in the DNS and engage in e-</p>			
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	<p>commerce.</p> <p>The IPC is opposed to the reservation of all 3-character TLDs as potential ccTLDs.</p>			
<p>.pl Registry Operator</p>	<p>No, they should not, however all 3-character names listed in ISO tables are to be maintained in line with ISO rules and policy. This question is general one and somewhat misleading; my understanding of this project is that we are not in position to break down the ISO eligibility rules and create our own on Internet with regard the 3-character names.</p>	<p>Yes, they should, however we have to have in mind that the 3 – character names listed in ISO tables (not only limited to ISO 3166-1) relate to the names of currencies, the names of languages, etc. The eligibility should be maintained in line with ISO established policy. In general there is no need to design a policy which may limit Internet development.</p>	<p>It would be reasonable to answer shortly by saying yes, they should. I think, that would wise to keep in mind that many governments in fact are not in position to predict the future of its states; please refer for instance to the example of former Yugoslavia or Africa where we can see many new countries “born” in Africa, etc. What would be the value of the mentioned permission? For how long will it be valid? With that rule in mind, for sure, someone in the future would have to decide what is at higher value by weighting an commercial interest vs. the interest of a new nation for instance? Do we really consider, that our legitimate is sufficient? and could prevail the one by UN? As already mentioned, the “delegation (free) for assignment by ISO” 3-character names shall be handled by ISO. In addition, we can see that, there are many 3 –</p>	<p>In order to be consistent with the rules and policies we have already got I would vote for the unrestricted use, however the definition of the meaning of “unrestricted” in this context has to be set first. Having in mind the understanding of intention presented above, I found this question as general one.</p>

			character names which most probably will be never used by ISO; and I do believe that ISO knows that and keeps the list. I think, that these 3-character names should be allowed in naming of the top level domains.	
.hk Registry Operator	Yes, all country and territory 3-character TLDs should be reserved as ccTLDs only and be ineligible for use as gTLDs. Otherwise, confusion and wrong perception will be caused to Internet users as to whether the 3-character TLD or the 2-character ccTLD is the true official representation of the country/territory. Also, the basic difference between ccTLD and gTLD is that a ccTLD represents country/territory and gTLDs are for generic terms with no geographic connotation.	Apart from the 3-character codes on the ISO 3166-1 list, there may be codes or strings which are 3-character or longer which are commonly accepted/used for specific countries or territories but not on the ISO list. These should be ineligible for use as gTLDs too. Otherwise gross misunderstanding and confusion will be caused on which ones of these are the ones truly representing the country/territory.	This is ok. But all ccTLDs should be consulted rather than only those which are thought to be relevant.	This is not sufficient. See answers to Q1, 2, 3 above.
Partridge and Garcia PC	Three-character top level domains should be eligible for use as gTLDs by any qualified party, and should not be reserved as potential ccTLDs. The countries and geographic	No, for the reasons listed above.	Yes, for the reasons listed above.	For the following reasons, Partridge & Garcia disagree with the points raised by Norway with regard to three-letter characters.

	<p>interests represented in the ISO 3166-1 alpha-3 codes are wholly represented by the ISO 3166 alpha-2 codes that they are based upon. Therefore, reservation of 3 letter codes would be completely redundant and serve no apparent purpose.</p> <p>Since the gTLD space has historically been built on three-character codes, such as .com, .net, and .org, there is a high degree of consumer comfort favoring new three-character gTLDs. A reservation of all new three-character top-level domains would:</p> <ul style="list-style-type: none"> a) Disallow all three-letter words, acronyms, and combinations from consideration as <i>new</i> gTLDs (see chart in response to question 2, below, for examples), severely hampering businesses right to enter into the technological space; b) Be impractical and effectively extinguish rights in 			<p>Norway’s only reasoning for the reservation of the 3-letter country codes from use as gTLDs is that doing so would create end user confusion. However, Norway does not provide any evidence that this confusion exists, or would exist in the future. There is no evidence of end user confusion existing between countries and similar current 3-letter gTLDs. For example, end users are not confused that .COM represents Comoros, that .BIZ represents Belize, or that .NET represents the Netherlands. These countries’—and all other countries with ISO 3166 alpha-2 codes—interests are currently completely protected by their 2-letter country codes (.CO, .BZ, and .NL, respectively).</p> <p>ICANN’s gTLD Applicant Guidebook reasons how it would be unlikely for there</p>
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	<p>existing 3-letter gTLDs; and</p> <p>c) Would significantly impinge upon well-established, internationally-recognized private rights without justification.</p> <p>Any effort to eliminate any future use of three-character top-level domains should be rejected. This option is a solution in search of a problem which does not exist.</p>			<p>to be confusion between a 3-character string and a 3-letter country code, due to the high “probable” standard for String confusion to exist:</p> <p>String confusion exists where a string so nearly resembles another that it is likely to deceive or cause confusion. For a likelihood of confusion to exist, it must be probably, not merely possible that confusion will arise in the mind of the average, reasonable Internet user. Mere association, in the sense that the string brings another to mind, is insufficient to find a likelihood of confusion.</p> <p>Guidebook, Section 3.5.1.</p> <p>Contrary to Norway’s claim, it is not probable that all new three-letter gTLDs, or potential ccTLDs, will cause end user confusion. Furthermore, there is already</p>
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			<p>a well-established, internationally-recognized forum that exists that is able to determine whether a gTLD application is likely to cause string confusion: ICANN String Confusion Dispute Panel. This body, rather than a blanket reservation of all three-letter country codes for gTLD use, is the best mechanism to examine potential user confusion on a case-by-case basis.</p> <p>A blanket ban on new three-character gTLDs is not a favorable policy due to the convenience of three-character gTLDs for Internet users and lack of proof that new codes will cause confusion. Presently, there are over 130 three-character gTLDs. These codes are easy for Internet users to remember and type. There is no proof that adding new three-character gTLDs will create end user confusion.</p>
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				<p>A significant reason that potential three-letter gTLD codes should <u>not</u> be denied because they are the same as existing alpha-3 codes from the ISO 3166-1 list is it would prevent many private and public entities from entering into the technological space and asserting their intellectual property rights. There is no persuasive reason why this basic legal right should be hampered. The existing alpha-3 country codes would be in conflict with many companies and organizations that should have the right to be eligible for gTLDs. These codes serve as acronyms for large organizations, airport codes, names of companies, and words in the English language, as exemplified in the chart above. (there are undoubtedly numerous other acronyms based on non-English terms as well). It</p>
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				<p>would exclude many companies and organizations from applying for gTLDs as a business strategy.</p> <p>The entities applying for a gTLD are not akin to cybersquatters seeking to make a quick dollar off of consumer confusion. The new applicant's will not be frivolously occupying domain name space on the internet. Applying for a gTLD is a very robust, expensive process. Before application, a conscious organizational decision must be made, in advancement of a legitimate interest. Therefore, there should not be a blanket restriction on the use of three-letter domain names that identical to three-letter country codes.</p>
GAC Finland	It would be extremely confusing, if all three-character top-level domains would be reserved as ccTLDs at this point.	This would be an equal and simple solution for all (both ccTLDs and gTLDs). It requires that ISO 3166-1 list must be	This could theoretically work, but needs more clarification and it's hard to make it work in practice. Would be difficult to categorize,	This is the current situation. Easy, open and equal solution. "Let the market decide." Brand owners need

	<p>Many three-character gTLDs already exists (.com, .net, .xyz, .top, .win etc.). Can't and shouldn't be changed anymore.</p>	<p>"up-to-date" all the time.</p>	<p>what is "relevant documentation" from relevant government or what is "relevant public authority". Difficult to categorize, which three-character strings would/might violate rights of governments or public authorities. Which bodies would make decisions in ICANN? There has already been this type of problems (.africa case).</p>	<p>to able to use their names as gTLDs.</p>
<p>GAC Switzerland⁶⁴</p>	<p>Switzerland proposes to tackle the issue of the future use of three-character codes as TLD according to the following methodology: initially, it is essential to clearly delimit the three-character codes concerned by means of a protection mechanism. It would then be advisable to define the protection mechanism itself and, finally, to rule on the method of use of protected and non-protected codes.</p> <p>1. Clear delimitation of the set of three-character codes which it would be useful to protect - Reference lists The three-letter codes submitted to any protection mechanism must be clearly determined. The use of official international lists seems to be a good solution. Other solutions based, among other things, on "string similarity rules" must be avoided as they would generate too many uncertainties and result in overly complex processes.</p> <p>In Switzerland's opinion, the ISO 3166-1 alpha-3 list represents a good starting point, but governments/public authorities should also be able to consider or invoke other lists in order to protect an abbreviation linked to their country.</p> <p>As a minimum, in addition to the ISO 3166-1 alpha-3 list, the following lists should be integrated:</p> <ul style="list-style-type: none"> - ITU (International Telecommunication Union - link); - IOC (International Olympic Committee - link). 			

	<p>Other lists could also be considered, but do not have priority:</p> <ul style="list-style-type: none"> - ISO 4217 (currency codes - link); - IATA codes (cities, airport locations...). <p>2. Protection mechanism</p> <p>Governments/public authorities should be free to choose to protect all or some of the codes which are included in the reference lists and for which they are competent. It should be possible to do this using a simple notification system (opt-in) without governments/public authorities having to justify their choice or their decision.</p> <p>3, Use of three-character codes</p> <p>In principle it is possible to reserve the three-character codes protected by the mechanism defined above as ccTLD. Unprotected codes would be available as gTLD and ICANN would be able to deal with them freely.</p> <p>In our opinion it would also be essential to consider in the same way the three-character IDN codes (for example Cyrillic three-letter codes according to GOST 7.67 or ISO 3166-88 standard - link) as well as entirely numeric three-character codes (e.g. according to ITU-T E.212 or ISO 3166-1 numeric), in so far as entirely numeric labels are considered for the next rounds of gTLD.</p> <p>The position outlined above does not conform to any of the scenarios proposed in the CWG-UCTN questionnaire, but is positioned somewhere between scenarios 2 and 3.</p>			
.be Registry	<p>We don't consider this to be a good idea. The majority of three-character TLD combinations don't have any link with a specific country or territory and thus such a policy would be considered as contrary to the whole idea of introducing new gTLD's: offer new possibilities to potential</p>	<p>Yes, that seems a fair policy. Advantage is that it is very close to the guidelines that have been followed in the earlier TLD rounds and especially in the current one. It provides a right balance between the rights of the ccTLD's (and their respective governments) and those of</p>	<p>I can see the benefits of a scenario that is equal to the one described under 2 but with the notion that also support documentation or at least non objection from the relevant government is required. That could be a compromise in order to get support from the GAC. But we fail to see why governments should have a right</p>	<p>Yes, that seems a fair policy as well but we would like to see it combined with the scenario under 2. It will protect the interests of ccTLD's, relevant governments or public authorities + existing other TLD's. In particular, such a policy would prevent</p>

	<p>registrants. Also, this would be very difficult to reconcile with the current reality where in each phase of adding new TLD's to the root, 3-character TLD's were allowed. How would one be able to explain that .com, .net, .org & others were allowed in the early days but no new 3-character TLD's will be allowed in future rounds? How to explain that in the current round 3-character TLD's were possible but in future round they would be excluded?</p>	<p>third parties wishing to open up the market for new possibilities. But I would add a condition that a 3-character TLD cannot be eligible if there is a string similarity issue.</p>	<p>to object against 3-character TLD strings that have nothing to do with existing alpha-3 codes? This would lead towards the situation where an applicant with an interest in .pop would have to seek support from governments in order to get his TLD? And to which government he should turn in that case? Could it be that the question is ill posed and is to be read as follows: 3-character strings are eligible unless they are in conflict with existing alpha-3 codes and no documentation of support or a non-objection of the relevant government or public authority has been given?</p>	<p>confusion between already delegated and in use TLD's and new applications.</p>
<p>.tn Registry</p>	<p>Yes, three-character top-level domains be reserved as ccTLDs only and be ineligible for use as gTLD. It gives us the opportunity within the country to create an industry from our cctlds. For .tn case, .tun is also a cctld for Tunisia and we can make them grow together, enhancing the local content. In addition, we are studying the opportunity in the near future</p>	<p>Yes, the advantage is to allow the countries to create an industry of these domain names that affects their local economy (create new business with new jobs and enhancing the local content).</p>	<p>No, Because as I said before we want to make a cctld industry. to be more clear for our case .tn we are preparing to liberate to international registrars some thing we will do it for .tun after many years, Gtlds have already a wide market and wide choices.</p>	<p>Yes, as I said before it's an opportunity for the countries to create a domain name industries that affects their economy.</p>

	to liberate .tn for international registrars. We can keep .tun for local registrars to make their business locally. It's an opportunity for us to set up a cctld industry.			
.cr Registry	Three-character top level domains should be reserved as ccTLDs ONLY assuming the existing ccTLDs will manage them. If this opens the possibility that a country may have two ccTLDs managing organizations this will bring about serious cannibalization and instability in the Internet policy and development of nations. Furthermore, it will seriously affect the cooperation and unity that has characterized the ccTLD community through its history. Assuming only existing ccTLD will also be delegated three character top level domain together with the current two character TLDs, this may prove to be an important source of income in the short term (mostly due to trademark protection) but in the long term	NIC .CR strongly opposes the use of 3 character top level domains for use as gTLDs when these refer to country or territory names. Three character top level domains that refer to countries or territories will have a direct negative impact on ccTLDs whether they are in the Iso 3166-1 list or not. This is a policy that will further limit the market of ccTLDs and as such can eventually lead to the closure of many, specially the ones in the developing nations that compete in smaller markets such as .cr. The fact that gTLDs brought about about 2,000 new gTLDs has has a strong impact in the ccTLD market, and many of these gTLDs include cities and locations.	No, three-character strings should not 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. The same disadvantages mentioned in point 1 and 3 apply. NIC CR sees no advantages of such policy. In many countries, there is tension between a government and ccTLD since a ccTLD may contradict or question the Government's stand in Internet issues. For example, a government may push for signing the WCIT in Dubai in 2012 and the ccTLD may oppose that position and support a free and open Internet (this among thousands of examples). With this reality in mind, it is very easy to	No, there should not be an unrestricted use of three character strings as gTLDs if they are not conflicting with applicable string similarity rules. The unrestricted use of more than three character strings as gTLDs (the new gTLD program) proved to be an enormous headache full of legal conflicts, many interested parties involved, governmental intervention and a very complicated technical and administrative execution. ICANN needs to learn from past mistakes. Doing the same for three character strings will become another long internal and external battle for ICANN which will take focus, resources and budget away from more important

	<p>it might not prove to be a very successful product since it competes directly with the existing two character country code TLD and may just lead to cannibalization. As the current new gTLD program has proved, having too many TLDs creates a lot of noise in the domain market (everyone trying to sell domains at the same time to the same people) and its hard to define the differences and benefits or using one over the other. Furthermore, taking a more global perspective, expanding the root of the Internet even more does not bring any benefits to the growth, stability and resilience of the Internet. This policy is no way helping the technical and security concerns of the DNS, it's seems to be only addressing financial interests. The failure of the gTLD program should serve as an example of the negative press, consequences and turmoil comes when ICANN only focuses on financial</p>	<p>Adding three character top level domains for country and territory use will simple decrease even more the market share of ccTLDs. It is important to take into account that ccTLDs are not just in charge of managing their country top level domains but have a key role as ICANN's representation of policies, technical advice and the multistakeholder model for a free and open Internet view across the globe. ccTLDs are ICANN's allies and work together with all Internet agencies to create a more stable and secure Internet. Most ccTLDs are not-for-profit organizations that base their income on the sales of their TLDs. This initiative (three character top level domains for countries and locations) is a way to eliminate ccTLDs in emerging economies that in long turn will hurt ICANN as well. The domain name market is being</p>	<p>obtain the government of public authority's documentation to apply for a three character string for use a gTLDs since it is an excellent opportunity to crush the existing ccTLD in the country. It can actually prove to be a way to strategically eliminate many ccTLDs who are doing great work worldwide, supporting ICANN and a free and open Internet. I emphasize on the importance of ICANN in focusing on strategy, technical issues and governance, and leave aside financial interests. Moving forward this policy, will in the long turn hurt ICANN enormously since it will lose the current representation and support that ccTLDs provide (from a technical and political standpoint). I see absolutely no advantages of such policy.</p>	<p>technical and Internet governance issues. Also all disadvantages mentioned on point 2 and 3 apply. I see no advantage of such policy.</p>
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	interests. As mentioned earlier, the only benefit of this policy would be a short term financial gain in sales for ccTLDs.	seriously affected by the use of social media and apps. Further breaking this pie in the three charter top level domain level is just an unnecessary way to continue to cannibalize among TLDs. I see no advantaged of this policy.		
Centre Survey (22 respondents)⁶⁵	73% Yes 27% No	59% Yes 14% No 27% Unsure	32% Yes 50% No 18% Unsure	64% Yes 23% No 14% Unsure
.sv	Yes, they should be reserved as ccTLD and be ineligible for use as gTLDs. Pros: avoid confusion in general public, since there is one and only one table in ISO 3166-1 that includes both 2 and 3 letter codes referring to the same country or territory. The two versions (2 and 3 characters) are equally the official representation of the country or territory, so they	In principle, the 3 character codes that are NOT in the 3166-1 list could be eligible for use as gTLD. However, how about possible new codes entering the table in the future, if they have already been assigned as gTLD? Pros: continue fostering competition in domain names.	If they are NOT in the 3166-1 list, why should these 3-character codes need support or non-objection from governments or authorities? There should not need that support. Pros: continue fostering competition in domain names.	In the spirit of an open and competitive environment in the domain names industry, there can be unrestricted use of 3 character strings not conflicting with country and territory codes. Pros: continue fostering competition in domain names.

⁶⁵ Participating cc-TLD registries: .al, .be, .ch, .de, .dk, .ee, .es, .hr, .is, .jp, .lu, .lv, .me, .mt, .nl, .no, .pl,

.pt, .rs, .ru, .se, .tr; for individual responses, see:

<https://community.icann.org/download/attachments/49354211/ccTLDSurvey.pdf?version=1&modificationDate=1448464976361&api=v2>

	should hold the same treatment from the TLD designation logic.			
Yuri Takamatsu	No. Limiting the use of three-character strings or labels which have significant social value will decrease the usability and the value of the Internet.	No. Limiting the use of three-character strings or labels which have significant social value will decrease the usability and the value of the Internet. In addition, the future change of ISO-3166 list is very probable and we should not depend on the current list.	No. We can't comment on this because the situation assumed above can't define "relevant government" or "public authority".	Yes. In principle, the labels with three characters should be treated in the same way with more than three-characters. Basically the registration and usage of the labels with three characters should be unrestricted.
.hn	We think that should be reserved for ccTLDs. Disadvantage: If we reserve them for gTLDs it would turn them into monopoly, and would weaken ccTLDs, which encourages purchasing exclusion by market value, insecurity. Advantage: If we reserve them to ccTLDs they would strengthen and this guarantees their sustainability and would become more competitive.	No. This is a disadvantage. This would limit the market for ccTLDs, and leads to the decline of ccTLDs. Advantages: None.	No	No. We already mentioned the reasons why it shouldn't.
.no	This is a wrong kind of question. ccTLDs as such are 2-letter codes and it should remain so.	Yes. All 3-character strings that are not in conflict with 3-letter codes from ISO 3166-	This is a possibility that should be considered. There might be countries in the world where the	No. We are not in favour of unrestricted use of 3-character strings. See our

	In our view some 3-letter codes could be gTLDs; namely those not on the ISO 3166-list. See our answer to question 2.	°©- 1 list, which represents countries and territories, could be eligible as gTLDs. This is in compliance with the Applicant Guidebook as it was for the first round – a compromise reached after years of discussion. But if 3-letter codes on the ISO 3166 list are allowed as gTLDs, there will be confusion among users. Some country & territory representations being 2-letter codes run by national laws and 3-letter codes possibly representing country or territories under the global ICANN regime / global law.	2-letter code is taken by commercial interests and are not run as a “proper” TLD according to RFC 1591 etc. Then the country could have their 3-letter code instead. This would also follow the system of today where capitols and cities need support or non-objection from the relevant government or public authority of the country. But this would still be a gTLD under the gTLD regime, with the possibility of confusion for users.	answers above.
.pa	Yes, they should be reserved as ccTLDs only. All three-character top-level domains should be ineligible for use as a gTLDs. Advantage: Prevent confusion in the general public. As there is one and only one table in ISO 3166-1, which includes both codes, 2 and 3 letters (characters), codes that refer to	3 character codes that are not in the 3166-1 list should not be eligible for use as gTLDs. If they are used now, if assigned as gTLDs now, in the future there may be conflict with those potential new codes that require entry in the table. Advantage: Continue to promote competition in the	Should not be eligible. Advantage: Prevent confusion in the general public. Continue to promote competition in the current domain names.	Must not be allowed unrestricted use of the 3-character string as gTLDs because it conflicts with the codes of countries and territories. Advantage: Continue to promote competition in the current domain names.

	<p>the same country or territory. The two versions, 2 and 3 letters (characters) are equalitarian to the official representation of the country or territory and therefore must maintain the same treatment for the logical designation of a TLD.</p>	<p>current domain names.</p>		
.de	<p>DENIC believes that "country code" TLDs should strictly be limited to two character codes as per ISO3166 (IDN ccTLDs notwithstanding). The introduction of a new Three-Letter-"Country Code" category is likely to introduce confusion and blur the unique position that ccTLDs have maintained successfully.</p>	<p>DENIC believes that changes over time regarding the code points listed in the three letter list would have to be addressed to maintain a consistent regime. Similarly, the alpha-3 list has certain code points for 'private use', all of which would have to be used in a consistent fashion. Therefore, this appears to be a less favorable option.</p>	<p>It is unclear to us how an assignment that does not match ("conflict" with) a code on the alpha-3 list would lead to a "relevant government". Assuming the "and" was an "or", first our comment to point 2 holds; secondly, for reasons of distinction, the only legitimate and established use of a country code has a length of two letters. Unless the 3 letter code would match a well known abbreviation (or even the name) of the country, there would be no good reason to give public authorities a special voice.</p>	<p>DENIC does not want to judge the peculiarities of "applicable string similarity rules", but "unrestricted use" looks like the most consistent approach in general.</p>
.ar	<p>NIC Argentina does not consider necessary to ban gTLDs from using three letter character top level domains, still there are some</p>	<p>NIC Argentina considers this policy to be of the outmost importance because of the danger of having end user confusions about countries,</p>	<p>NIC Argentina considers that this matter shouldn't be taken lightly, because this case may be very easily confused with the ccTLD. Not all ccTLDs are run by</p>	<p>NIC Argentina considers that not conflicting three character strings as gTLDs would be ok.</p>

	<p>considerations that should be taken into account such as reservation of the Alpha -3 codes from ISO 3166-1 list.</p>	<p>ccTLDs and gTLDs. The alpha 3 codes are not only a part of internet but also represents a very distinguishable name of each country in everyday life.</p>	<p>governments, but are an essential part of the internet ecosystem within the country, and as such, this confusion might lead to severe competition which may prove prejudicial for its country and end users.</p>	
.fi	<p>Shouldn't be changed at this point anymore. Risk: Many three-character gTLDs already registered. Can't be changed anymore</p>	<p>Equal and simple solution for all Risk: ISO 3166-3 must be "up-to-date" all the time</p>	<p>Could work but needs more clarification. Risk: Difficult to categorize, what is relevant documentation from relevant government of public authority. ICANN should not be required to decide which three-character strings would/might violate rights of governments.</p>	<p>Let the market decide. Open, equal solution.</p>
GAC	<p>The GAC does not think that it is necessary or feasible to reserve all 3-character codes as ccTLDs at the top-level and notes that in practice, nearly 150 three-character ASCII codes already operate as gTLDs in the DNS. It does not, however, follow that all 3-character codes should be eligible as gTLDs, in particular country codes (see detail in letter above).</p>	<p>Many GAC members believe that the existing alpha-3 codes from the ISO 3166-1 list should continue to be ineligible for use as gTLDs, as they are in the current version of the gTLD Applicant Guidebook. Furthermore some GAC members believe that other codes corresponding to countries and to governmental functions should also be protected (see detail in letter</p>	<p>The GAC thinks that this scenario is promising and definitely warrants additional consideration. Practical aspects should be investigated in more depth.</p>	<p>Relying on "string similarity rules" to protect certain strings should be avoided as it would generate too much uncertainty and complexity in the process.</p>

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

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

	<i>5. In future, should all IDN three-character strings be reserved exclusively as ccTLDs and be ineligible as IDN gTLDs? What would be the advantage or disadvantage of such a policy?</i>	<i>6. In future, should there be unrestricted use of IDN three-character strings if they are not in conflict with existing TLDs or any applicable string similarity rules? What would be the advantage or disadvantage of such a policy?</i>	<i>7. Do you have any additional comments that may help the CWG-UCTN in its discussion on three-character strings as top-level domains?</i>
Registry Stakeholder Group	No. For the same reasons as given above, such 3-character strings should only be unavailable for use as IDN gTLDs where this is a matter of international law [or there is a GNSO policy restricting the use of such strings]. Since such 3-character gTLDs already exist, imposing such a restriction now might even result in consumer confusion.	Yes. This would provide greater choice of available strings, encouraging the expansion of IDN gTLDs.	Any restrictions on the availability of such strings for use should be based on international law and not local laws, and the burden should be placed on those advocating for these restrictions to demonstrate this. In any case where there is such a basis in international law, then what is adopted should be the least restrictive means to satisfy that legal requirement, developed as a result of a full policy development process.
Brian Winterfeldt, Griffin Barnett	This would prevent any future applications for three-character IDNs as gTLDs. We oppose this option.	This would permit any IDN gTLD applications so long as the string were not confusingly similar to another previously-delegated or applied-for	n/a

		string. This is the most logical and legally-sound option. We support this option.	
GAC – Afghanistan	It should be reserved only for ccTLDs.	As long as it is not in conflict with existing alpha 3 codes from ISO 3166-1 list, they are good to proceed. The only advantage is that there will be more business opportunities for brands to register their names, but it should go through no objection process from governments and other authorities. Disadvantage would be the same (Confusion for users)	No
GAC – Norway	No. Existing 3-letter gTLDs should be eligible for an exact match of an equivalent IDN 3-letter code. Also new IDN ccTLD should also be eligible for a IDN 3-letter code	No. Same as previous answer. There should be very limited use of IDN 3-letter codes as suggest in the answer to Q5.	In our view there are so many other available strings that could be used for a new top level domain and you should therefore not pick those that will most certainly cause end user confusion and also are likely to create conflicts between national law and ICANN policy
Intellectual Property Constituency	The IPC does not support the reservation of IDN 3-character strings for exclusive use as ccTLDs. While restrictions on 3-character ASCII strings effectively results in the exclusion of over 17,000 potential new gTLDs from the DNS, restriction of all IDN 3-character strings would exclude hundreds of thousands of	There should be unrestricted use of IDN three-character strings if they are not in conflict with any applicable string similarity rules. The IPC needs more information on what constitutes “conflict with an existing TLD.” Domain name allocation policy must facilitate, not impede, the need of billions of people to join the internet	From an intellectual property point of view, the IPC recognizes that it is extremely difficult to reconcile the concerns of governments with the fact that well-established international law prohibits the effective expropriation of rights without due process and/or compensation. A clear and natural

	<p>potential new gTLDs from language communities that have already suffered decades of exclusion from the DNS. The IPC can see no basis or reason for such a disruptive exclusionary policy, which would not serve ICANN’s mission to internationalize the DNS.</p>	<p>community. A core goal of the New gTLD Program is to bring new participants into the DNS. The view of the IPC is that this is not achieved by restricting the use of potential new IDN gTLDs unless there is a clear technical or legal justification for doing so. However, the IPC would need to clarify what is meant by a “conflict with [an] existing TLD” before opining on this aspect of the question. Clearly, no one can apply for a TLD that is identical to an existing TLD (i.e., that consists of the same characters in the same order); this is beyond question. This then raises the question of what “conflict with existing TLDs refers to,” if it does not refer to string similarity or an attempt to register a string that is already registered. Does it refer to translations and transliterations of existing TLDs, or to TLDs that are typographically indistinguishable from existing TLDs (i.e., where characters in different scripts look the same or very similar)?</p>	<p>tension exists between legally recognized private rights on the one hand and government interests on the other. The IPC notes that the use of geographic names in the Domain Name System (“DNS”) is a long-standing issue and one of the most troublesome issues in domain name allocation policy. The practice of registering geographic names and geographical indications as second- and third-level domain names was expressly noted by the World Intellectual Property Organization in 2001 in its Final Report on its Second Internet Domain Name Process. An important conclusion of the WIPO II Report was the absence in international law of support for governments’ assertions of priority rights in geographic names preventing their use by others as domain names. The IPC reaffirms the comments and conclusions of the GNSO Working Group on Reserved Names, which emphasized the need to “ensure that ‘there is a solid and clear basis in existing international law which can be applied so as to prevent erosion of the integrity of</p>
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			geographical indicators and enhance the creditability of the DNS’.” ³ The adoption of exclusionary policy without clear and credible legal basis creates a danger of appropriating or impinging upon existing rights, to the detriment of the global community’s interaction with the DNS.
.pl Registry Operator	I do not think so, however there is some idea behind. First of all we are not sure about the future regarding IDN; it is complex technology which can cause Internet less stable or even partially unstable. I think we need more research and better analysis; otherwise, I think that we do not have enough knowledge to build any theoretical project and set the rules. The question is: do we have to decide just now? What is a reason behind for making a decision even if it would be wrong in the future? (as our today’s knowledge is not sufficient enough...?). In general, the rules applied should be as presented above.	As above, it would be good to have the unrestricted use, however the definition of the meaning of “unrestricted” in this context has to be set first.	In general, we should do our best and avoid of creating the artificial barriers driven by unjustified reasons and curb Internet development, however I think that the planning process in projects should follow the set polices and ISO rules first; I do think, that we have not got a legitimate position to change the UN policy and maintain any new one. Doing differently, I think that simply sooner or later the projects will fail, and the team will be busy with huge load and unproductive work. The known rule first come first served in this context is note the one we should focus on first.
.hk Registry Operator	All IDNs which are official names or commonly known names of countries or territories, irrespective of their length (number of IDN characters)	This is not sufficient. See answer to Q6 above.	N/a

	should be reserved exclusively as ccTLDs.		
Partridge and Garcia PC	<p>All three character top level domains should be eligible for use as gTLDs even those that are identical to existing alpha 3 codes from the ISO 3166-1 list. Countries are currently protected by the two letter codes contained in ISO 3166. Codes on the ISO 3166-1 list also serve as acronyms for large organizations, airport codes, names of companies, and words in the English language. [T]here are many examples of uses of gTLDs that would unnecessarily be impinged upon should this proposed policy be adopted (see table in original submission)</p>	<p>There is no recognizable advantage to there being a “support/non-objection” process for governments and public authorities. There is no basis in international law for governments or public authorities having this type of power over the determination of trademark rights. The proper forum for this type of determination best handled via binding arbitration in an internationally recognized forum in which objective and reasonable standards apply. The relevant governments and public authorities should have no right of reservation for three-character ccTLDs, nor should they be given authority to reject three-character strings that conflict with existing alpha-3 codes from the ISO 3166-1 list.</p>	<p>Yes, there should be unrestricted use of three-character strings as gTLDs if they are not conflicting with any applicable string similarity rules. This has been the status quo with the DNS for almost 20 years. During the recent round of gTLD allocations ICANN approved numerous three-character strings as gTLDs .ADS, .BBC, .FAN, .CFD, .XIN, .GOO, .GDN, .NTT, .IFM, .JCB, .ONE, .FIT, .LAT, .DEV, .IWC, .SEW, .SKY, .LDS, .CRS, .RIP, .IBM, pyc (Russian), TUI, FLY, GLE, ZIP, CAL, WME, GMX, BOO, DAD, DAY, FRL, ING, NEW, MOV, EAT, ESQ, HOW, OOO, UOL, SCA, TOP, ONG, KRD, NGO, NRA, NRW, SCB, BMW, OVH, BZH, NHK, BIO, VET, HIV, RIO, GMO, WTC, TAX, WTF, FOO, SOY, GAL, EUS, GOP, MOE, REN, AXA, DNP, INK, opr (Russian), BID, BAR, PUB, XYZ, WED, KIM, RED, CEO, ONL, CAB, SEX and UNO. Based on research only one these new gTLDs was objected to as being confusingly similar to a ccTLD see <i>SE Registry SA BV, v. Internet Marketing Solutions, Limited</i> (Case No. 50-504 T00304 13)</p>

			(Independent arbitrator found .SX and .SEX were not confusingly similar).
GAC Finland	See the answer in question 1. Shouldn't be changed at this point anymore. Creates confusion, because many IND three-character strings already exists.	This is the current situation. Multilingual, open and equal solution. However it is hard to know, how "FIN" is written in all IDN scripts, and that's why some country or territorial names written in IDN scripts might suffer.	N/A
GAC Switzerland⁶⁶	See Overview Questions 1-4		
ALAC			
.be Registry	No, see point 1.	Yes, that seems like a fair policy that keeps the right balance for existing players and newcomers.	The WG should consider a fair and simple procedure for governments to raise their objections. I refer to the actual discussions and debate between GAC, ICANN Board & community with regard to the 2-letter domain names release under the new gTLD's. If you want to persuade the governments, there will have to be clearer procedures than the current ones.
.tn Registry	Only when it's conflicting with name	Only when it's in conflict with country	N/a

⁶⁶ Switzerland proposes to tackle the issue of the future use of three-character codes as TLD according to the following methodology: initially, it is essential to clearly delimit the three-character codes concerned by means of a protection mechanism. It would then be advisable to define the protection mechanism itself and, finally, to rule on the method of use of protected and non-protected codes.

	of counties for example for Egypt in Arabic it's مصر (three-character string) and I'm thinking in the same way is to give countries the opportunity to create an industry of domain names	names	
.cr Registry	Please consider the same advantages and disadvantages mentioned in Point 1 for this question.	Please consider the same advantages and disadvantages mentioned in Point 4 for this question.	Please take into account that opening the possibility of three character stings to countries and locations in the long term will lead to destabilizing and even eliminating current ccTLDs who are key allies and representatives of ICANN throughout the world. ccTLDs are key for the stability and resilience of the Internet from a technical and political perspective, and losing this support may prove fatal to ICANN. This is specially true for emerging economies where ICANN needs the most support and which prove to be very complex political environments. I urge the CWG-UCTN to consider that ICANNs role is to further strengthen the Internet, not weaken it. This kind of initiative may prove to have some kind of financial gain in the short term but have drastic technical and political consequences in the long turn as explained in the

			previous answers to the questionnaire. I urge them to stop this project.
Centre Survey (22 respondents)⁶⁷	23% Yes 55% No 23% Unsure	59% Yes 18% No 23% Unsure	Should 3-character strings in the ISO 3166 list be reserved all together (to avoid user confusion)? 45% Yes 27% No 27% Unsure
.SV	In the spirit of an open and competitive environment in the domain names industry, there can be unrestricted use of 3 IDN character strings not conflicting with country and territory codes. Pros: continue fostering competition in domain names.	In the spirit of an open and competitive environment in the domain names industry, there can be unrestricted use of 3 IDN character strings not conflicting with country and territory codes. Pros: continue fostering competition in domain names.	Special consideration should be taken to 3-character strings proposed as gTLD if they happen to be the 3 first characters of an existing gTLD, or a brand, trademark or location name. They should be clearly justified.
Yuri Takamatsu	No. The reason is the same as above.	Yes. In principle, the name space of the labels, except those with two ASCII characters, should be unrestricted in their registration and usage.	The response above is a personal position, not a JP ccTLD registry's.

⁶⁷ Participating cc-TLD registries: .al, .be, .ch, .de, .dk, .ee, .es, .hr, .is, .jp, .lu, .lv, .me, .mt, .nl, .no, .pl,

.pt, .rs, .ru, .se, .tr; for individual responses, see:

<https://community.icann.org/download/attachments/49354211/ccTLDSurvey.pdf?version=1&modificationDate=1448464976361&api=v2>

<p>.hn</p>	<p>They should be reserved as ccTLDs for linguistic reasons.</p>	<p>It should not be regulated. As an advantage: it ensures the safety, reliability for purposes of governance. As a disadvantage: it generates un-governability.</p>	<p>The existence of 3 characters in the ISO 3166 must exist only for cc Top Level Domains, we see no reason to generate in this standard three other characters and reserve them only for gTLDs. If that decision was taken, it would be condemning the ccTLDs to decline and would further promote the exclusion which is seen in developing countries, fostering monopolies, conversely to the principles of free trade agreements.</p>
<p>.no</p>	<p>No. For IDN the considerations are different. 3-character strings might be in use both for ccTLDs (where a script leads to 3-letters to express a 2-letter code in ASCII) and gTLDs for generic names and trademarks in scripts.</p>	<p>Yes, see above. But a condition must of course be that they are not in conflict with existing TLDs etc.</p>	<p>Our view in summary is that the rules in the AGB existing for the first round of new gTLDs with regard to the use of country & territory names should be continued - that is: All 3-character strings on the ISO 3166-1 list should not be allowed as TLDs; neither as ccTLDs nor as gTLDs. This is first and foremost relevant for ASCII characters. IDNs raise different questions. If 3-character ASCII on the ISO 3166-1 list should be allowed, this must be in cooperation with the relevant government - the same rules as for capitols and some cities as today; namely support or non-objection. It will then be a gTLD,</p>

			<p>following the same policy as other gTLDs, not a ccTLD, following local policy. However, the government would then be able to set some criteria for giving their support. In our opinion a change to the exiting regime in the AGB might cause disputes internally within the ICANN system. In the times of the IANA-transition with all the work that follows this process, and the importance of a successful Post-IANA Transition environment, and the work-stream 2 of the accountability-process, we do not think it is wise to open up for more change to the AGB than necessary. We also see the political pressure coming, ref WSIS+10. Yours sincerely, UNINETT Norid AS</p>
.pa	<p>All three-character IDN strings should be reserved exclusively as ccTLDs and should be ineligible as IDN gTLDs. Advantage: Continue to promote competition in the current domain names.</p>	<p>There should be no unrestricted use of IDN strings of three characters, even if they are not in conflict with existing TLD or any similar rule applicable chains. Advantage: Continue to promote competition in the current domain names.</p>	<p>Special consideration must be taken to three-character strings as top-level domains, especially if these three characters match the first 3 characters of a brand name, a trademark, a location or an existing gTLD. Should be very clearly justified</p>
.de	<p>DENIC believes that IDN three-character strings are in no way special</p>	<p>With reference to the previous response, we suggest that the</p>	<p>DENIC believes that the question of alpha-3 codes should not be mixed</p>

	and suggests that the general question of the properties of an IDN ccTLD need to be solved prior to responding to this question.	response to this question might need to be postponed.	with the topic of IDN ccTLDs or IDN TLDs in general. The guiding principle for dealing with three letter ASCII codes should be consistency and predictability, with future changes to ISO 3166 alpha 3 in mind. For the ccTLD community it should be of utmost importance to maintain the singularity of ccTLDs based on the ISO 3166 alpha-2 list.
.ar	NIC Argentina considers the same as expressed above for IDN strings	NIC Argentina considers the same as expressed above for IDN strings	n/a
.fi	Shouldn't be changed at this point anymore. Risk: creates confusion	Multilingual, open and equal solution. Risk: Some ccTLDs in IDN scripts might suffer	n/a
GAC	As in question 1, the GAC does not think that it is necessary or feasible to reserve as ccTLDs all IDN three-character codes at the top-level and notes that in practice, dozens of 3-character IDN TLDs are in operation in the DNS, including more than a dozen ccTLDs and over 40 gTLDs. It does not, however, follow that all 3-character codes should be eligible as gTLDs (see detail in letter above).	In general, using only "string similarity rules" to protect certain strings should be avoided as it would generate too much uncertainty and complexity in the process (see detail in letter above)	

ANNEX E

Summary of Public Comments on the Interim Report

The full text of the comments is available at: <http://mm.icann.org/pipermail/comments-cwg-uctn-interim-paper-24feb17/>

Contributors		
Name	Submitted by	Initials
At-Large Advisory Committee	ICANN Policy Staff	ALAC
Business Constituency (BC)	Steve DelBianco	BC
Council of European National Top-Level Domain Registries	Peter van Roste	CENTR
Estonian Internet Foundation	Timo Võhmar	EIF
GAC, Costa Rica	Noemy Coto Grijalba	GACCR
GAC, Norway	Ørnulf Storm	GACNor
GAC, Singapore	Queh Ser Pheng	GACSing
GAC, Spain	Rafael Pérez Galindo	GACSpain
GAC, Switzerland	Jorge Cancio	GACSwitz
Intellectual Property Constituency	Greg Shatan	IPC
LACTLD	Andres Plaza	LACTLD
NIC Costa Rica	Rosalía Morales	NICCR
NIC México	Manuel Haces Aviña	NICMX
Registries Stakeholder Group	Stéphane Van Gelder	RySG
Valideus Ltd	Susan Payne	VAL

Summary of Comments

COMMENTS ON PROPOSED RECOMMENDATIONS

Supports closing the Cross-Community Working Group (Interim Paper Recommendation 1)

The ALAC supports Recommendations 1, 2 and 4.

ALAC (26 April 2017)

The BC supports closing the CWG-UCTN in favor of a broader, all-inclusive policy development process, to address all issues related to the use of country and territory names (and potentially “geographic names” as that term is understood more broadly) as TLDs.

BC (25 April 2017)

CENTR supports this recommendation. The CWG has served its purpose and has done everything reasonably possible within its mandate to find a harmonised framework for use of country and territory names as top-level domains (TLDs). However, it has failed to find a solution. The CWG should therefore be closed in accordance with its charter.

CENTR (24 April 2017)

After approximately 4 years of work it seems clear that the CWG-UCTN will not be able to make further progress on its stated aims of providing advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs, nor to provide detailed advice as to the content of that framework. Consequently, the IPC supports the three recommendations on next steps, as follows: 1. Close this CWG in accordance with and as foreseen in the charter. . .

IPC (21 April 2017)

We propose:

- To close the CWG-UCTN, as its purpose has been exhausted and no consensus has been reached, in line with Recommendation 1 of the conclusions (page 30).

LACTLD (21 April 2017)

This is a topic which has had many round of discussion and historically there has never been a clear finding of consensus on the cross community position. Hence, we encourage to undertake proposed Recommendation 1, ending formally this deliberation, and close the Cross Community Working Group on this matter as proposed.

NICMX (21 April 2017)

The RySG supports the recommendation to close the current CWG.

RySG (21 April 2017)

We support closing the CWG-UCTN, and the recommendations 1, 2 and 4.

VAL (21 April 2017)

Supports consolidation of community efforts on this topic (Interim Paper Recommendation 2)

The ALAC supports Recommendations 1, 2 and 4.

ALAC (26 April 2017)

The BC supports closing the CWG-UCTN in favor of a broader, all-inclusive policy development process, to address all issues related to the use of country and territory names (and potentially “geographic names” as that term is understood more broadly) as TLDs.

BC (25 April 2017)

CENTR supports this recommendation related to geographic names at top level. A harmonised framework can only be achieved through an overarching effort across all ICANN communities. CENTR also believes it is already clear from the CWG interim report that different (albeit interrelated) policies for the various types of geographic terms will be required. Geographic names such as names of rivers, capital cities and region names are different in nature from ISO 3166-1 3-letter codes and full or abbreviated country names as listed in ISO 3166-1. One of the most essential differences is that country names (via their 2-letter equivalent) were explicitly recognised as a separate category in RFC 1591.

CENTR (24 April 2017)

After approximately 4 years of work it seems clear that the CWG-UCTN will not be able to make further progress on its stated aims of providing advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs, nor to provide detailed advice as to the content of that framework. Consequently, the IPC supports the three recommendations on next steps, as follows: . .

.2. Recommend that 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. This is the only way, in our view, to determine whether a harmonized framework is truly achievable. . .

IPC (21 April 2017)

We believe that to obtain results and allow progress towards consensus, geographical name related efforts should be unified in a single and common discussion forum. The discussion should include all stakeholders in a broad and participatory manner. That is, the work of the ccNSO and GNSO, including both the GAC and all the stakeholders interested in this issue, should be made public.

GACCR (20 April 2017)

Lastly, we support the CCWG-UCTN's recommendation that ICANN consolidate all policy efforts relating to geographic names to enable in-depth analysis on all aspects.

GACSing (20 April 2017)

Considering the complexity and sensitivity of the issues surrounding the use of geographic names, we strongly support recommendation 2, that all policy efforts relating to geographic names should be consolidated and reviewed in one place, rather than in silos.

VAL (21 April 2017)

Supports Interim Report Recommendation 3, Alternative A

On the question of how to organise this future work, i.e., how to effectuate recommendation 2 above, we note that the CWG-UCTN members were unable to agree and thus that three alternative suggestions are offered, all of which garnered some support within the working group. Some members of the CWG-UCTN appear to favour the convening of a further crosscommunity working group (CCWG). This is not an acceptable solution since a CCWG has no authority under the Bylaws to develop policy, and the GNSO is specifically tasked under the Bylaws with developing policy on gTLDs.

The only one of the proposed alternatives that is consistent with ICANN's Bylaws and recognises the GNSO's role in policy development work for gTLDs is Alternative A: 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 work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of

this CWG, 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.

IPC (21 April 2017)

Regarding recommendation 3, we believe that each of alternatives A, B and C have some scope for ambiguity and differences of interpretation depending on one's viewpoint. This appears to be a result of the difficulty in reaching a consensus position and the attempts, albeit unsuccessful, to find a form of compromise language which all working group participants could support. Of the three, we would favour alternative A, in the form as it is set out in the Executive Summary, namely:

"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 work that sets out how conclusions and recommendations will inform that policy development process. This addresses a key deficiency of this CWG, 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."

VAL (21 April 2017)

Supports Interim Report Recommendation 3, Alternative C

With regard to Recommendation 3, the ALAC supports option 3(c). Any work going forward must be both inclusive and will require a process which accommodates both the ccNSO Policy Development Process (PDP) as well as the GNSO PDP governed by the ICANN Bylaws Appendix A coupled with the GNSO PDP Manual. Whether this will include a CWG or some other form of group(s) will need to be decided jointly by the ccNSO and the GNSO prior to work proceeding.

ALAC (26 April 2017)

Requests clarification of Recommendation 3

The recommendation set out in the interim report poses three options, and CENTR notes that the CWG could not reach a consensus for any of the options, although there appears to be a small majority supporting alternative C. Unfortunately, CENTR did not find this recommendation or any of the alternatives as set out above clear enough or easy to understand. In CENTR's view, the essence of the point intended to be made is covered/duplicated in recommendation 4 (see below).

CENTR (24 April 2017)

Supports inclusive dialogue (Recommendation 4)

The ALAC supports Recommendations 1, 2 and 4.

ALAC (26 April 2017)

The BC supports closing the CWG-UCTN in favor of a broader, all-inclusive policy development process, to address all issues related to the use of country and territory names (and potentially "geographic names" as that term is understood more broadly) as TLDs.

BC (25 April 2017)

CENTR strongly supports this recommendation. CENTR believes that a stable and harmonised framework can only be achieved through a multi-stakeholder approach. In CENTR's view, in relation to geographic terms at the top level, an essential precondition to any change to the rules agreed upon in the Applicant Guidebook (AGB) for use in subsequent rounds is the support of all stakeholders in the ICANN community. If the different stakeholder groups, not least the existing ccTLDs, their respective governments and national internet communities, are not effectively brought into the process together with its outcomes, there is a substantial risk that we will all end up with disputes

and other legal processes delaying the opening of a new round of gTLDs. This is in nobody's interest and risks bringing the ICANN processes and communities into disrepute.

CENTR (24 April 2017)

After approximately 4 years of work it seems clear that the CWG-UCTN will not be able to make further progress on its stated aims of providing advice regarding the feasibility of developing a consistent and uniform definitional framework that could be applicable across the respective SOs and ACs, nor to provide detailed advice as to the content of that framework. Consequently, the IPC supports the three recommendations on next steps, as follows: . . .3. Recommend that future policy development work must facilitate an 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.

IPC (21 April 2017)

If for any case, this discussion is prolonged within the ICANN community, we strongly believe that all SO and AC's need to be included, informed and participate in the discussion.

NICCR (21 April 2017)

We support closing the CWG-UCTN, and the recommendations 1, 2 and 4.

VAL (21 April 2017)

Supports future work through the Subsequent Procedures Policy Development Process Working Group

The BC would prefer to proceed through a GNSO PDP, as this process is well defined in the ICANN Bylaws, and we reiterate that although this process is managed by the GNSO, it is completely open to participation by any stakeholders regardless of affiliation (including members of the ccTLD community (i.e. the ccNSO) and the GAC). The BC specifically supports this conversation continuing in the New gTLD Subsequent Procedures Working Group, as this policy development process has the mandate to address the issues of geographic names at the top level.

BC (25 April 2017)

In meeting the recommendations of Alternative A, matters relating to all geographic names at the Top Level should be dealt with under the auspices of the existing GNSO PDP on New gTLD Subsequent Procedures. These issues are already, and quite properly, within the scope of the charter of the Subsequent Procedures PDP. Participation in GNSO PDPs is not limited to members of the GNSO. Participants from the all parts of the community are welcome to join a PDP working group and indeed the Subsequent Procedures PDP working group already does include participants who associate with the GAC, ALAC and ccNSO. To the extent that nonGNSO members who are only concerned about this specific issue may be concerned about joining the Subsequent Procedures PDP because of its wide scope of work, this could readily be addressed by creating an additional work track.

IPC (21 April 2017)

With regard to the question what approach further work should take, the RySG is concerned that further work on geographic names should not delay the preparations of the next and subsequent rounds. The New gTLD Subsequent Procedures PDP is the appropriate mechanism to consider and provide (a) policy recommendation(s) related to the replacement of Section 2.2.1.4.1 of the 2012 Applicant Guidebook that made country and territory names and 3166 Alpha 3 codes "ineligible" for the 2012 round. The New gTLD Subsequent Procedures PDP is already underway and these issues already fall within the scope of its Charter . All members of the community are eligible to participate in the Subsequent Procedures PDP working group, however we believe that there would be merit in convening a separate work track so that those who may have an interest only in this issue, and not in the wider scope of the work of the PDP, may participate more conveniently.

We recognize the interest of the ccNSO and the GAC in this matter and we encourage their participation in the Subsequent Procedures PDP WG. We believe this approach to be aligned with each of the alternative recommendations (Alternatives A, B and C) proposed by the CWG.

RySG (21 April 2017)

We also strongly support that this consolidated discussion should take place within the Subsequent Procedures PDP. The treatment of geographic names in the widest sense at the top level is already within the scope of the charter for this PDP and the PDP working group is already actively engaged in its deliberations on other policy issues. Members of the ccNSO, GAC and ALAC are encouraged to participate in GNSO PDPs, and some already do participate in Subsequent Procedures. In recognition that some have expressed concerns about the extensive number of topics being dealt with by the Subsequent Procedures PDP, we would support the creation of a working track to focus specifically on geographic names issues, if considered appropriate. *VAL (21 April 2017)*

Supports future work through a Cross-Community Working Party

Norway has the view that any further discussions on country or territory names, including meaningful representations and abbreviation as TLDs should be a community wide process in form of a cross-community working party where at least the ccNSO and the GAC, apart from interested parties from the GNSO, would need to participate.

GACNor (19 April 2017)

Supports future work through a cross-community process led by the ccNSO

Consistent with the Nairobi GAC Communiqué, discussions on country and territory names as TLDs should be held under a particular cross-community process lead by the ccNSO where interested parties such as the GAC and the GNSO can take part.

Module 2 Section 2.2.1.4.1 of the 2012 Applicant Guidebook should in the meantime be respected.

Even if it is not within the scope of this group, we wish to highlight that protections for country and territory names called for by the GAC Principles on new gTLDs should also apply to the second level, as provided for in Module 5 of the Applicant Guidebook and Specification 5 of the Registry Agreement.

GACSpain (24 April 2017)

Supports future work through the ccNSO or a Cross-Community Working Party

The discussion on the use of country and territory names as TLDs -and geographical names in general- have been very controversial in the community in the past.

In this context, we consider that the rules contained in the current applicant guidebook, in particular in section 2.2.1.4.1, which are a result of long discussions crosscommunity efforts, should be recognized as a compromise and a baseline for the future treatment of country and territory names as new TLDs.

Accordingly, we consider that the main forum for discussions on country or territory names as TLDs should be the ccNSO and/or a specific community wide process, in form of a cross-community working party where at least the CCNSO and the GAC, apart from interested parties from the GNSO, would need to participate.

While these discussions take place the relevant provisions from the 2012 Applicant Guidebook on the matter, especially Section 2.2.1.4.1, should remain in place.

GACSwitz (24 April 2017)

Supports future work through a ccNSO PDP

If a PDP process is advised at any time, this process needs to happen within the ccNSO and include other groups, particularly the GAC. In any case, it should never solely take place within the gNSO due to the sensitivity of the issue at hand and the direct impact on the ccNSO and GAC in particular.

NICCR (21 April 2017)

Supports future work through the ccNSO and GAC

Representation on the DNS is a matter of national interest, and any process that might implicate the use country name or the country-code on the Internet shall be addressed by the local multistakeholder community represented on ICANN by the ccTLD and the Government. On this behalf formal and direct efforts of contact shall be made directly to both parties on any case potentially involving our country name.

NICMX (21 April 2017)

Supports future work that formally includes ccTLDs and the ccNSO

We propose:

- To formally include, if there are subsequent rounds of discussion on this topic, the participation of the ccTLDs community and the ccNSO.

LACTLD (21 April 2017)

Supports future work on procedure to guarantee protection of country and territory names

The debate should be clearly in line with ICANN policy development process. It is our belief that this is a situation calling for a long-term, uniform, applicable and effective solution. In other words, the discussion, at this point, should not revolve around defining which domains (three letters, currencies, geographical areas, etc.), should be included and which should not, but, rather around establishing a procedure guarantying that country and territory names are always protected as part of the TLD.

The addition of new domains using a country name at the top level creates confusion, and due to the little value this adds, it is better to avoid this. We also recommend continuing to protect country and territory geographical names due to aspects related to self-determination of peoples, sovereignty sensitivity, indigenous culture and no confusion for the end user.

GACCR (20 April 2017) Translated from Spanish

OTHER COMMENTS

Two-Letter Names

Supports continuing to reserve 2-letter domains for ccTLDs

CENTR strongly supports this preliminary recommendation [from the CWG]. This policy has provided a stable and predictable framework based on RFC 1591. A general restriction on assigning 2-letter codes that are not on the ISO 3166-1 Alpha-2 list avoids the difficulties that would arise in the event of a name change or future addition to the ISO 3166-1 Alpha- 2 list. In CENTR's view, it quite rightly removes ICANN from political discussions on what is and what is not a country.

CENTR (24 April 2017)

The Government of Costa Rica believes it is essential that two characters be maintained as the official identifier for countries. This rule has already been established in RFC 1591, and no grounds for changing this identification mechanism are found in the documentation provided. Any two-letter string, regardless it is currently in use, should be reserved. As specified on page 20 of the document submitted for consultation, we support the continued protection of these domains in the future round of generic domains. ICANN should not take upon itself the process of determining which is country and which is not, but it should adhere to the provisions set forth in ISO 3166 [Specifically ISO3166-Part1].

GACCR (20 April 2017) Translated from Spanish

The discussion on the use of geographical names, including meaningful representations and abbreviations, have shown to be very controversial in the Community discussions. In this context, the current applicant guidebook section 2.2.1.4.1 is a result of long discussions and should be recognized as a compromise and a baseline for the future treatment of country and territory names as new gTLDs.

GACNor (19 April 2017)

Singapore supports the CCWG-UCTN's recommendation that ICANN's existing policy of reserving "two-letter representations of country and territory names in the ISO 3166-1 alpha2-standard" for ccTLDs should be maintained.

GACSing (20 April 2017)

In this context, we consider that the rules contained in the current applicant guidebook, in particular in section 2.2.1.4.1, which are a result of long discussions crosscommunity efforts, should be recognized as a compromise and a baseline for the future treatment of country and territory names as new TLDs.

GACSwitz (24 April 2017)

International law does not confer exclusivity upon governments relating to the use of geographic names in the DNS, trademark law, or any other context. Instead, international law expressly rejects government exclusivity by requiring the recognition of private parties' rights in trademarks and service marks, and geographical indications. International and national law recognize the ability of any term, including terms such as 2-letter codes, that in certain contexts may have geographical significance, to serve as trademarks, and by extension serve the public interest functions of trademarks as new gTLDs. Numerous national and international companies use, and have acquired registered protection for, 2-letter words or acronyms as their trademarks. Examples would include GE (General Electric), BA (British Airways), and VW (Volkswagen). In many contexts, the primary significance of these terms will be their significance as trademarks and not any geographical significance.

Consequently, there is no right under international law which would grant priority for the use of 2-letter codes as country code TLDs over any other rights in the same term, such as the rights of trademark owners to operate a Brand gTLD.

Notwithstanding the lack of a legal basis for affording primacy over the use of 2-letter codes to ccTLD operators and governments, the conclusion of the CWG-UCTN is that these terms should be reserved for use exclusively as ccTLDs. Members of the GNSO, including some IPC members, participated in the working group and supported this recommendation, notwithstanding the potential for conflict with existing trademark rights.

This demonstrates a clear willingness to compromise on the part of the GNSO. This conclusion by the CWG-UCTN has been reached on the basis of the longstanding practice, adopted from the DNS' inception and arising from RFC 1591, of using 2-letters exclusively to denote ccTLDs. RFC1591 acknowledges that "IANA is not in the business of deciding what is and what is not a country", and that use of the ISO 3166-1 provides an external standard for determining which terms should be included on the list. The IPC's support of this recommendation is on the basis of this reasoning. The IPC would not support any restriction based on claims to sovereignty or other like rights to country

codes, due to the lack of legal basis for such rights. Further, although the Interim Paper refers in section 5.1.5 to various potential disadvantages of altering the current policy, including alleged confusion with the ccTLDs if some 2-letter terms were released for use as gTLDs, the CWGUCTN has no data which supports such a claim of actual or likely confusion. Consequently the IPC would not support any restriction based on claims of such confusion, and recommends that section 5.1.5 be amended to make it clear that the advantages and disadvantages referred to are merely a summary of the various competing views advanced within the working group and not (incorrectly) stated as “outcome[s] of the debate.”

IPC (21 April 2017)

Considering:

- The existence of the ISO3166 list, as well as the identification of countries on the Internet through a 2-character ccTLD, and consequently the historical protection of country names in the DNS given the importance of the intangible value of these; Together with the fulfillment of the community orientation that guides its operation.
- The possible confusion with existing and widely used ccTLDs, that TLDs with country names or 3-character country codes may cause to the registrant.
- That the Report preliminarily recommends "to maintain the existing policy in ICANN to reserve 2-letter codes for ccTLDs" (p.20); ...

LACTLD (21 April 2017)

We support CWG-CTN’s decision to continue protecting two letter country code domains as stated in page 20 of the Interim report: “The CWG 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).”

NICCR (21 April 2017)

According to RFC1591, the proper space for national identification on Internet corresponds to the ccTLDs, who represent the national interest and have a duty to serve their communities fulfilling a role of stewardship on behalf of the best interest to their stakeholders and its local Ecosystem, represented on policies that guide the operation on this sake.

NICMX (21 April 2017)

The RySG acknowledges the preliminary recommendation within the CWG, to maintain the existing ICANN policy of reserving 2-letter codes for ccTLDs.

RySG (21 April 2017)

We support the preliminary recommendations of the CWG-UCTN that the existing ICANN policy of reserving two-letter codes for ccTLDs be maintained. That support is due to the basis for the recommendation adopted by the CWG-UCTN, namely that this is “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)”, and that this has provided a stable and predictable policy up to now.

VAL (21 April 2017)

Does not support 2-letter domains being strictly limited to ccTLDs

The BC does not object to continuing to reserve existing two-letter country-codes for use as ccTLDs where the code is currently assigned to a specific country or territory for use as its ccTLD. However, the BC sees no principled reason to categorically maintain the status quo moratorium on generally using two-letter strings as gTLDs. The BC would

thus support further consideration of this issue by the community.

As an initial matter, two-letter domain names can be combined into 676 (26²) configurations, of which only around 250 correspond to codes currently assigned to a specific country or territory for use as its ccTLD. To the extent certain jurisdictions have an assigned country code but have yet to utilize the corresponding ccTLD (e.g., .bl for Saint Barthélemy, .bq for Bonaire, Sint Eustatius and Saba, .bv for Bouvet Island, .mf for Saint Martin, and .sj for Svalbard and Jan Mayen), the BC would support the reservation of such domain names. However, that still leaves several hundred remaining combinations of two letter domain names which are not currently associated with a particular country or territory.

The designation of two-letter TLDs as ccTLDs is not based on any particular technical or legal principle. Rather, it is a mere historical artifact from early development of the Domain Name System (DNS).¹ On the other hand, there are countervailing principles supporting the opening of certain unassigned two-letter strings for use as gTLDs, including principles of free expression and applicable national trademark laws. For example, the two-letter string "VW" is currently not assigned as a two-letter country-code.

We see no reason why Volkswagen, which owns trademark registrations around the globe for the well-known VW mark,² should not be able to apply to operate .VW as a .Brand gTLD

Moreover, many existing ccTLDs are already used as de facto "generic" TLDs, and not as a means of identifying their assigned country or territory. For example, .CO is marketed and used generically to refer to corporations (although .CO is the ccTLD for Colombia), and .TV is marketed and used generically to refer to television (although .TV is the ccTLD for Tuvalu).

For these reasons, we believe the possibility of lifting the existing complete moratorium on using non-assigned/delegated two-letter strings as gTLDs should be further explored in any future policy development process examining the use of two-letter strings at the Top Level.

BC (25 April 2017)

Three-Letter Names

Supports maintaining the status quo and restricting use of 3-letter codes

The discussion on the use of geographical names, including meaningful representations and abbreviations, have shown to be very controversial in the Community discussions. In this context, the current applicant guidebook section 2.2.1.4.1 is a result of long discussions and should be recognized as a compromise and a baseline for the future treatment of country and territory names as new gTLDs. ISO 3166-1 3-letter codes have strong associations with the country or territory they represent, sometimes even stronger than their 2-letter equivalent.

GACNor (19 April 2017)

On 3-letter codes at the top-level, we note that the CCWG-UCTN has been unable to come to a consensus for a recommendation. We note also that the GAC-Helsinki communique advises the ICANN Board to "keep current protections in place" and appreciate that the Board ensures this advice is kept in mind while this issue is still being discussed.

GACSing (20 April 2017)

In this context, we consider that the rules contained in the current applicant guidebook, in particular in section 2.2.1.4.1, which are a result of long discussions crosscommunity efforts, should be recognized as a compromise and a baseline for the future treatment of country and territory names as new TLDs.

GACSwitz (24 April 2017)

Considering:

- The possible confusion with existing and widely used ccTLDs, that TLDs with country names or 3-character country codes may cause to the registrant.
- . . . And that, with respect to 3-letter country codes, the report of the above-mentioned working group indicates that "no consensus was reached" (p.25). It is important to note that this is an issue that has already had several rounds of discussion over the years and, in general, the community has repeatedly failed to find a definite consensus on the release or maintenance of restrictions on these three-letter codes, when they coincide with the nomenclatures used by the countries.

We propose:

- To conclude the discussion on the eventual release of the restrictions on the registration of 3-character TLDs that coincide with country codes.
- To maintain the exclusion of TLDs corresponding to the country names and 3-character country codes.

LACTLD (21 April 2017)

It is clear that allowing generic domains to include the ISO 3166-1 codes and country names is a controversial issue that does not lead to consensus of the global Internet community. As such, we recommend that this discussion is not continued and the Use of Country and Territories a Top Level Domains continues to be protected as it has been in previous rounds.

We strongly believe, that the use of the ISO 3166-1 codes and country names as TLDs has a very significant intangible value strongly related to the sovereignty and reputation of a country. Allowing third parties to use a country name can create confusion with the current ccTLD, and also link a country's reputation with undesirable ideas that makes these domains extremely sensible and should be protected.

NICCR (21 April 2017)

Expanding the DNSs space opening TLDs corresponding to the country name or the 3 letter character country code will increase complexity on registration causing potential confusion to registrants, and surely will cannibalize a market which is fundamentally limited, and in which it will not be feasible to sustain concurrent strings.

NICMX (21 April 2017)

Supports requiring government support or non-objection for delegation of 3-letter codes

CENTR accepts that the working group was unable to reach a consensus in relation to the 3-letter ASCII codes. Indeed, there are greater and lesser degrees of sensitivity within the CENTR community itself about the potential use of 3-letter combinations which exactly match the ISO 3166-1 Alpha-3 list. For some ccTLDs, the corresponding 3-letter country code combination, if released as a gTLD, would present a very real and serious cause for concern due to the similarity with the existing 2-letter ccTLD and the high degree of user/consumer identification with the 3-letter combination with the country in question.

We suggest that if at any point in the future 3-letter codes that are currently included in the ISO 3166-1 Alpha-3 list are to be delegated, this should only be allowed on the same terms as currently defined under the current gTLD round in the AGB paragraph 2.2.1.4.2. It does not make any sense that capital cities and cities under certain circumstances need support or non-objection from relevant governments or public authorities, but that 3-letter country codes would not need this protection. This is not in line with the hierarchy of such names.

CENTR (24 April 2017)

If the decision to continue with the discussion on three -or -more -letter country domains is made, it is suggested

that any new gTLD containing a country name, or its initials, should go through a non-objection process by the relevant administration. To this end, the procedure should establish a mechanism to ensure that the consultation is being answered by a valid, official and legitimate interlocutor. In this regard, similar procedures are already in place, so the use of Protection Mechanisms such as the Uniform Rapid Suspension (URS), the Post-Delegation Dispute Resolution Policy (PDDRP) and the Registry Restriction Dispute Resolution Procedure (RRDRP) is suggested.

Information about each of these processes is available on the ICANN website:

<https://www.icann.org/resources/pages/urs-2015-12-15-es> and <https://www.icann.org/resources/pages/pddrp-2015-04-24-es> | <https://archive.icann.org/es/topics/new-gtlds/draft-rrdrp-clean-15feb10-es.pdf>. Once again, we reiterate the importance of including all stakeholders in these discussions, particularly the GAC, and the ccNSO, and that these discussions should not only take place within the gNSO.

GACCR (20 April 2017) Translated from Spanish

Supports use of 3-letter codes as gTLDs

... The BC supports the use of three-letter strings as new gTLDs, and objects to either (1) maintaining the existing moratorium on using three-letter strings as gTLDs or (2) designating any unassigned three-letter strings exclusively for use as three-letter ccTLDs.

Again, there is no principled reason for reserving three-letter strings for use as three-letter ccTLDs. Although the International Standardization Organization (ISO) maintains a list of three-letter country-codes to complement its list of two-letter country-codes, these three-letter strings have never been used as ccTLDs. On the contrary, many three-letter strings have been used as gTLDs (e.g., .COM, .NET, .ORG, .EDU (legacy gTLDs) and .TOP, .RED, .REN, .APP (new gTLDs)). The most ubiquitous of these examples, the .COM TLD, overlaps with the ISO three-letter code assigned to Comoros.

On the other hand, principles of free expression and national trademark law militate in favor of opening three-letter strings for use as new gTLDs, even where they may correspond to a three-letter country-code on the ISO list.

Existing rules and requirements restricting what can be allocated as a gTLD, such as rules against confusingly similar strings, should still apply. However, there is no internationally-accepted legal basis for giving blanket priority over the use of three-letter strings to governments or ccTLD managers.

Accordingly, we believe the possibility of lifting the existing moratorium on using three-letter strings that correspond to three-letter country-codes on the ISO list as gTLDs should be further explored in any future policy development process examining the use of two-letter strings at the Top Level.

BC (25 April 2017)

The comments that we made earlier in this comment in relation to 2-letter terms – the lack of any basis under international law for governments to claim sovereignty and priority of use in those terms – apply equally in relation to the 3-letter terms. Any claims to such “sovereign” rights would conflict with existing trademark rights. In the case of 2-letters, such claims to sovereignty were not the basis for the CWG-UCTN’s recommendation. There is no rationale provided in the Interim Paper for not applying the same decision-making approach which was adopted for the 2-letters to the 3-letter codes. The recommendation of the CWG-UCTN in relation to 2-letter codes is based on the historical, standardized practice relating to the use in the DNS of the externally-managed ISO standard, and arising from the adoption of RFC1591. There is no such practice, based on the reliance on an externally-managed standard adopted from the outset of the DNS, in relation to 3-letter codes. Consequently, there is nothing which supports reserving these terms, either entirely or for use only as ccTLDs.

Further, ISO 3166-1 alpha-3 codes are three-letter country codes defined in ISO 3166-1, to represent countries,

dependent territories, and special areas of geographical interest based upon the alpha-2 codes.

As such, the countries and geographic interests represented thereby are wholly represented in ISO 3166 alpha-2. Consequently, the continued reservation of these 3 letter codes would be completely duplicative, redundant and serve no apparent purpose.

Furthermore, insofar as there have been arguments for allocating these terms to be operated as ccTLDs, no perceived advantage or necessity has been identified by the technical or country code community for such an expansion, save that of providing additional revenue streams for existing ccTLD providers, who have already been allocated what would be considered to be prime internet real estate in the form of the 2-letter codes. The IPC has been unable to identify any advantage of such a policy, and sees numerous disadvantages in terms of restricting the availability of many potential 3-character strings as new gTLDs within the DNS, many of which are commonly used words or famous or well-known trademarks. This is inconsistent with many countries'/states' own national trademark laws and is a significant impediment to the ability of rights holders worldwide to participate in the DNS and engage in e-commerce.

The IPC does not support any restrictions on the use of 3-letter codes as gTLDs, save insofar as certain terms have been reserved for technical reasons, subject of course to any policies designed to protect against the infringement of legal rights and the avoidance of string confusion.

IPC (21 April 2017)

The RySG strongly opposes any policy of reserving 3-character codes and is of the opinion that all 3-character codes (ASCII as well as IDN) should be eligible for the use as gTLDs, regardless of whether they are listed as alpha-3 codes on the ISO 3166-1 list.

There are no valid reasons that justify a policy of reserving 3-letter codes:

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

The RySG shared these arguments with the CWG in its submission to the 2015 survey. Only in a limited number of cases where international law, or other agreed-upon restrictions dictate an exception, should a restriction on the use of a particular 3-character string for a gTLD be allowed (for example as for the use of "www").

RySG (21 April 2017)

We note that the CWG-UCTN has been unable to reach a consensus position regarding the three-letter codes identified in ISO 3166-1 (the alpha-3 codes), and therefore has made no recommendations on their treatment. We acknowledge that there is a historical precedent for two-letter codes to be allocated to ccTLDs, as referred to above. No such precedent exists in respect of the alpha-3 codes, and it is recognized in the CWG-UCTN Interim Paper that historically three-character combinations have always been permitted in the DNS. To the extent that precedent exists, therefore, it is for the use of three-letter combinations as gTLDs. There are multiple examples of three-letter terms being used as gTLDs, both for Brand and non-Brand TLDs, including new gTLDs such as .APP, .NYC, .DIY, .SAP and .PET, and the legacy gTLDs, such as .NET, and .ORG. Furthermore, prior to the 2012 New gTLD Round, there appears to have been no policy of reserving the alpha-3 codes. The clearest demonstration of this is the .COM gTLD, "COM" also being the officially-assigned alpha-3 code for Comoros. The fact that .COM has been in longstanding use

and is the largest by far of the TLDs demonstrates the impossibility of now attempting to create any consistent and predictable usage of the alpha-3 codes as ccTLDs.

It has been argued by some members of the community that to allow alpha-3 codes to be used as gTLDs would give rise to a risk of confusion with the corresponding countries and the ccTLDs. No evidence has been presented to substantiate this argument, and, further, it presupposes that these terms serve to designate the country in question and have no other meaning. A cursory review of the list of alpha-3 codes demonstrates the fallacy of this argument.

The listed three-letter combinations include common words, such as CAN, CUB and VAT; commonly-used acronyms, such as IOT (internet of things) and IDN (Internationalized Domain Name), commonly-used abbreviations such as GEO (geographic) and brands such as MNG. In some cases and contexts, the “alternative” meaning will likely be viewed as the primary one.

It is our view that all three-letter terms should be eligible for use as gTLDs, irrespective of whether they are on the ISO 3166-1 list or not. There is no justification and basis under international law or by precedent for reserving three-letter codes either to prevent use or for use as ccTLDs.

VAL (21 April 2017)

Supports use of 3-letter codes as ccTLDs

I would like to emphasize some points that are not present in these papers regarding the reasoning why especially 3 letter ISO country codes should be released as ccTLDs.

Basis for ISO3166 Alpha-3 as ccTLD: TLDs are part of the foundation of the Internet. Internet is part of the world, so I think that direct conflict between these two counterparts should be avoided. In the real world the 3 letter codes are used in everyday life to represent certain country, these codes are used on documents, car number plates, sports broadcasts and thus have very strong relation to a country. Lets take USA as an example. So avoiding this conflict and confusion is basis on its own to keep country names and country codes from being released as generics for general use. This point is clearly supported by ICANNs decision to keep these strings from being released during the first round of new gTLDs (New gTLD Applicant Guidebook 2012 chapter 2.2.1.4.1 treatment of country or territory names) by defining what is considered as a country representation.

.com is not a precedent that changes USA, RUS, FRA or EST from being associated with certain countries and the three letter labels from being used internationally to mark that specific country. .com is one of the first TLDs in the Internet and for majority of people stands for commercial or companies or even international. It is truly sad that Comoros cannot protect their interests that might be associated with this 3 letter ISO 3166 Alpha-3 country code, but this does not change anything for the countries that have strong relation, widely known and recognized association with their country codes and are still able to protect their interests and sovereign right to these unreleased strings.

gTLD space was built on 3-character codes - not entirely true. gTLD space was initially build on closed list of 5 TLDs that happened to be all 3 letters long (RFC920 1984). The list has been extended through out the years with strings of various lengths. The closed list principle has been in place from the beginning and was broken on 2012 (22 gTLDs in the list at the time) by introduction of new gTLD program. So I see no reason why extending the 2 letter ccTLD principle should be seen or handled any differently than in case of dropping the limit in gTLDs case.

Confusing internet users with introduction of ccTLDs longer than 2 characters: Average internet user does not know and care about ccTLD and gTLD classification. What matters for internet users is what the TLD stands for and represent in their mind - so yet again com for international, .shop for shopping, .me for myself, .info for information,

.tv for television, .eu for Europe, .ca for Canada etc. Domain registrants also care for what the TLD represents for their target group and how to register their domain under the TLD they are interested in. So this here is only a matter of policy making concerning a limited group of interested parties (registries, countries and companies interested to acquire a delegation for some TLD to use in their business interests). In case of gTLDs the policy is set by ICANN and in case of ccTLDs by local governments. That is the key for countries - do they have full and sovereign control over the use of codes and labels that represent their countries.

EIF (7 March 2017)

Full Country AND Territory Names

Supports maintaining the status quo and restricting use of full country and territory names

The discussion on the use of geographical names, including meaningful representations and abbreviations, have shown to be very controversial in the Community discussions. In this context, the current applicant guidebook section 2.2.1.4.1 is a result of long discussions and should be recognized as a compromise and a baseline for the future treatment of country and territory names as new gTLDs.

GACNor (19 April 2017)

In this context, we consider that the rules contained in the current applicant guidebook, in particular in section 2.2.1.4.1, which are a result of long discussions crosscommunity efforts, should be recognized as a compromise and a baseline for the future treatment of country and territory names as new TLDs.

GACSwitz (24 April 2017)

We propose:

- To maintain the exclusion of TLDs corresponding to the country names and 3-character country codes.

LACTLD (21 April 2017)

We strongly believe, that the use of the ISO 3166-1 codes and country names as TLDs has a very significant intangible value strongly related to the sovereignty and reputation of a country. Allowing third parties to use a country name can create confusion with the current ccTLD, and also link a country's reputation with undesirable ideas that makes these domains extremely sensible and should be protected.

NICCR (21 April 2017)

Expanding the DNSs space opening TLDs corresponding to the country name or the 3 letter character country code will increase complexity on registration causing potential confusion to registrants, and surely will cannibalize a market which is fundamentally limited, and in which it will not be feasible to sustain concurrent strings.

NICMX (21 April 2017)

Supports requiring government support or non-objection for delegation of country and territory names

If the decision to continue with the discussion on three -or -more -letter country domains is made, it is suggested that any new gTLD containing a country name, or its initials, should go through a non-objection process by the relevant administration. To this end, the procedure should establish a mechanism to ensure that the consultation is being answered by a valid, official and legitimate interlocutor. In this regard, similar procedures are already in place, so the use of Protection Mechanisms such as the Uniform Rapid Suspension (URS), the Post-Delegation Dispute Resolution Policy (PDDRP) and the Registry Restriction Dispute Resolution Procedure (RRDRP) is suggested.

Information about each of these processes is available on the ICANN website:

<https://www.icann.org/resources/pages/urs-2015-12-15-es> and <https://www.icann.org/resources/pages/pddrp-2015-04-24-es> | <https://archive.icann.org/es/topics/new-gtlds/draft-rrdrp-clean-15feb10-es.pdf>. Once again, we

reiterate the importance of including all stakeholders in these discussions, particularly the GAC, and the ccNSO, and that these discussions should not only take place within the gNSO.

GACCR (20 April 2017) Translated from Spanish

Supports use of full country and territory names as gTLDs

... The BC supports the use of full country and territory names as new gTLDs, including removing any moratorium on the ability to apply for such names generally and not requiring any form of governmental pre-approval or non-objection.

The BC has previously voiced strong objection to any proposal to restrict use of such names as TLDs, such as the “Argentina Proposal” that remains in development within the Governmental Advisory Committee Geographic Names Working Group. Again, such a proposal is not consistent with accepted principles of international and national law. There is no generally accepted legal principle granting governmental priority over country and territory names in the context of the DNS.

That being said, the BC respects the perspectives of GAC members in the Geographic Names Working Group, and looks forward to further engagement on this issue in the context of a policy development process examining the use of full country and territory names at the Top Level. In particular, where certain geographic regions are under collective administration by multiple state actors, it may be useful for the process to incorporate an early means for such entities to voice their concerns regarding TLDs corresponding to such regions. While applicants should not be prohibited from using such strings, this would allow them to be aware of the relevant concerns and to engage with the state actors at an earlier stage in the application process.

BC (25 April 2017)

Analysis of Comments

The comments received refer to three categories:

- The recommendations of the CWG.
- The text of the Interim Report.
- Proposals and rationales with respect to the use of 2-letter codes, 3-letter codes and full names of country and territories as TLDs.

With respect to the draft recommendations of the CWG, based on the summary of the comments received (see table below): There is support for closure of the CWG and consolidation of community efforts. Further, the consolidated efforts should be part of an all inclusive dialogue. However, how commenters see how this dialogue should be shaped is not conclusive: some comment that it should be as a formal Policy Development Process, either as a GNSO or ccNSO Policy Development Process. Others opt for a cross-community effort, and one requests additional clarification.

Overview of support CWG Recommendations:

Recommendation	In Support	No comment	Objection	Need to Clarify
Closure of CWG (Recommendation 1)	CENTR, LACTLD, RySG, VAL, IPC, NICMX, ALAC, BC (6)	(9)	None	None
Consolidation of community efforts (Recommendation 2)	GACCR, GACSing, VAL, BC, IPC, ALAC (6)	(9)	None	None
Recommendation 3 A	IPC, BC, RySG, VAL (4)	(10)		VAL, CENTR (2)
Recommendation 3 B	GACNor, GAC Spain, GAC Switz (3)	(10)	IPC (1)	VAL, CENTR (2)
Recommendation 3 C	ALAC, NICCR, GACCR, NICMX, LACTLD (5)	(8)		VAL, CENTR (2)
Supports all inclusive dialogue (Recommendation 4)	VAL, BC, IPC, ALAC, NICCR, CENTR (6)	(9)		