

Supplemental Report on the new gTLD Subsequent Procedures Policy Development Process (Work Track 5 on Geographic Names at the Top Level)

Status of This Document

This is a Supplemental Report ~~(the “Work Track 5 Supplemental Report”)~~ to the Initial Report of the GNSO New gTLD Subsequent Procedures (SubPro) Working Group ~~(the “Work Track 5 Initial Supplemental Report”)~~, which covers the topic of geographic names at the top level addressed by the Working Group’s Work Track 5. The Work Track 5 Supplemental Report is being posted for public comment.

Commented [A1]: Parentheticals adjusted for clarity following suggestion from Greg Shatan.

Preamble

The objective of this Supplemental Report to the Initial Report is to document Work Track 5’s deliberations, ~~potential options for recommendations,~~ and ~~(where applicable)~~ preliminary recommendations, ~~potential options for recommendations,~~ as well as specific questions for which the Work Track is seeking input. These topics have not yet been considered by the SubPro Working Group as a whole.

Commented [A2]: Small adjustment suggested to the text in response to comment from Greg Shatan.

Commented [A3R2]: Greg Shatan: Given the Initial nature of this report and the significant divergence on key concepts, we should not over-emphasize the “potential recommendations.”

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 The Work Track 5 Supplemental Report is structured similarly to the Initial
2 Report, especially in that it does not contain a “Statement of level of
3 consensus for the recommendations presented in the Initial Report.” As
4 with the Initial Report, the Co-Chairs of the Working Group continue to
5 believe that it is premature to measure the level of consensus of Work
6 Track and Working Group members, and that doing so could have the
7 unintended consequence of locking Work Track and Working Group
8 members into positions of support or opposition prior to soliciting public
9 comment from the community on those recommendations. To form such
10 definitive positions at this early a stage could have the adverse effect of
11 being less open to modifications to those positions as a result of
12 community input. The Co-Leaders of Work Track 5 support this approach
13 and, after discussion with Work Track members, have adopted it for Work
14 Track 5.

15

16 After a comprehensive review of public comments received on the Work
17 Track 5 Supplemental Report, ~~the~~ Work Track 5 will deliberate further on
18 the preliminary recommendations and potential options for
19 recommendations contained herein. Once that is completed, the full
20 Working Group will deliberate and conduct a formal consensus call on all
21 recommendations before the recommendations are integrated into the
22 Final Report.

Commented [A4]: Suggested addition from Greg Shatan.

23

24 Therefore, comments on any preliminary recommendations, options
25 and/or questions presented are welcomed and encouraged. In addition, in
26 some cases the Working Track was unable to reach preliminary
27 recommendations. The community, therefore, should not limit itself to
28 commenting on only the preliminary recommendations, options, and
29 questions specifically identified in the Work Track 5 Supplemental Report,
30 but on any other items that may not have been adequately addressed. For
31 example, if there is an option you believe the Work Track should consider,
32 but that option is not presented or even discussed in the Work Track 5
33 Supplemental Report, please provide detailed information about that
34 option, along with any background, context and supporting documents.

New gTLD Subsequent Procedures Initial Report Date: 20 November 2018~~20 November 2018~~
~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~
~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~
~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~
~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1
- 2
- 3
- 4

Table of Contents

1	Table of Contents	
3	Table of Contents	
4	1 EXECUTIVE SUMMARY	43
5	2 DELIBERATIONS OF THE WORKING GROUP	98
6	3 CONCLUSIONS AND NEXT STEPS	8881
7	4 BACKGROUND	8982
8	5 APPROACH TAKEN BY THE WORKING GROUP	9184
9	6 COMMUNITY INPUT	10093
10	7 ANNEX A - CHARTER	10194

1 Executive Summary

1.1 Introduction

On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group. The Working Group (WG) was tasked with calling upon the community’s collective experiences from the 2012 New gTLD Program round to determine what, if any changes may need to be made to the existing Introduction of New Generic Top-Level Domains policy recommendations from 8 August 2007.

As the original policy recommendations adopted by the GNSO Council and ICANN Board have “been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains,” those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council decides to modify those policy recommendations via a policy development process. The Working Group is chartered to develop new policy principles, recommendations, and implementation guidance or to clarify, amend, or replace existing such elements.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1
2 A Call for Volunteers to the Working Group (“WG”) was issued on 27 January 2016. The
3 WG held its first meeting on 22 February 2016 and has met regularly since that time.
4 With over 250 members and observers in the SubPro Working Group, and dozens of
5 issues to address regarding the 2012 New gTLD Program, the SubPro Co-Chairs divided
6 up the work into a set of “Overarching Issues” and five Work Tracks. Each of the five
7 work tracks covered a number of related issues with the help of one or more Co-
8 Leaders. The WG issued its first Initial Report, containing the output of the Working
9 Group on the Overarching Issues as well as preliminary recommendations and questions
10 for community feedback from Work Tracks 1-4, on 3 July 2018.

11
12 The topic of geographic names at the top level is one of the issue areas included within
13 the charter of the New gTLD Subsequent Procedures PDP Working Group (PDP) and in
14 order to fulfill the terms of the charter, the PDP needs to address this issue. With the
15 GAC, ccNSO, ALAC, and GNSO all having a strong interest in this topic, the PDP is seeking
16 to ensure that the community’s work related to geographic names at the top level,
17 specific to gTLDs, takes place in a single forum, to avoid the conflicting or contradictory
18 efforts and outcomes that have taken place in the past.

19
20 Therefore, the PDP WG Co-Chairs established a fifth Work Track that focuses exclusively
21 on the topic of geographic names at the top level. It is structured to encourage broad
22 and balanced participation from different parts of the community and includes joint
23 community Work Track leadership. WT5 leadership is coordinated by the PDP WG Co-
24 Chairs and Work Track Co-Leaders from the ALAC, ccNSO, GAC, and GNSO.

25
26 Per the Work Track 5 [Terms of Reference](#) document, Work Track 5’s focus is on
27 developing proposed recommendations regarding geographic names at the top level,
28 including both ASCII and IDN forms. WT5 is tasked with (i) considering what constitutes
29 a geographic name in the specific context of the New gTLD Program; (ii) analyzing (a)
30 2007 GNSO Policy Recommendations on the Introduction of New Generic Top-Level
31 Domains; and (b) relevant rules contained in the 2012 Guidebook, such as the
32 Geographic Names Review procedure, Geographic Names Extended Evaluation, and
33 Objection Procedures; and (iii) taking into account previous work related to geographic
34 names that the community may have completed. Broader discussions about the remit of
35 SOs and ACs, as well as the allocation of second and third level geographic domains are
36 specifically out of scope for this Work Track.

37
38 A Call for Volunteers to the Work Track was issued on 22 October 2017. The Work Track
39 held its first meeting on 15 November 2017 and has met regularly since that time.
40

Commented [A5]: The terms/abbreviations “Work Track 5”, “the Work Track”, “WT”, “WT5” have been used interchangeable throughout the report. I noted that only the “WG” abbreviation has been defined. It would be nice to apply some consistency; although I don’t believe regular stakeholders will be confused, let’s consider the readability of this document to other folks. Some already have to grapple with the mentioned WTs 1-4. Thanks.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 **1.2 Preliminary Recommendations**

2 As noted in the Preamble, the Work Track 5 Supplemental Report does not contain a
3 “Statement of level of consensus” for the recommendations presented in the Initial
4 Report. In addition, in some circumstances, the WT did not reach agreement on
5 preliminary recommendations and instead, has provided options for consideration
6 and/or questions to seek input for further deliberations. Similar to the Initial Report,
7 rather than including the set of preliminary recommendations, options, and questions in
8 the Executive Summary, they will be made available in a table in Annex [??].

9

Recommendations Summary

Continue to reserve as unavailable **at the top level**:

- All two-character letter-letter ASCII combinations
- Alpha-3 code listed in the ISO 3166-1 standard
- Short or long-form name listed in the ISO 3166-1 standard *
- Short or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
- Separable component of a country name designated on the “Separable Country Names List.” *
- Permutations and transpositions: The Work Track preliminary recommendation suggests clarifying that permutations and transpositions of the following are reserved. This is an adjustment to the 2012 AGB:
 - Long-form name listed in the ISO 3166-1 standard
 - short-form name listed in the ISO 3166-1 standard
 - short- or long-form name association with a code that has been designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency
 - separable component of a country name designated on the “Separable Country Names List.”
 - Name by which a country is commonly known
 - Permutations and transpositions of alpha-3 code listed in the ISO 3166-1 standard should be allowed

* For these items, translations in any language were reserved in the 2012 AGB. The Work Track has not yet agreed on whether translations should be reserved in the future, and if so, in which languages.

Continue to require a letter of support or non-objection from the relevant governments or public authorities for the following strings **at the top level**:

Commented [A6]: Spell out? All instances of “AGB” except for those in tables?

Commented [A7]: See: page 18

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

- capital city name of any country or territory listed in the ISO 3166-1 standard **
 - city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name (see specific language from the 2012 AGB for details)
 - An application for any string that is an exact match of a sub-national place name, such as a county, province, or state, listed in the ISO 3166-2 standard.
 - An application for a string listed as a UNESCO region or appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list.
- ** For this item, translations in any language were reserved in the 2012 AGB. The Work Track has not yet agreed on whether translations should require support/non-objection in the future, and if so, in which languages.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Please see Annex [??] for the consolidated table of preliminary recommendations, options, and questions.

In addition, this report seeks to record key discussions in the Work Track, including issues raised, proposals put forward, benefits and drawbacks identified, and positions held by Work Track members. Please see Part 2, section f of this report for details. Part 2, section f includes discussion of specific categories of terms and also reflects high-level discussion on broader issues, such as:

- Who owns a string? Who has rights to a string? What is the appropriate role of geographic communities and governments? (see f.1.2.1)
- What types of mechanisms should exist to exercise rights or establish roles in the process? (see f.1.2.2)
- What law and policy considerations should be taken into account? Which should take precedent? (see f.1.2.3)
- What is a geographic name for the purposes of the New gTLD Program? Does the intended use of the string matter? (see f.1.2.4)
- What are the key takeaways from the 2012 round for the purposes of future policy development and implementation? (see f.1.2.5)
- Are there alternate methods of consultations or collaborations in the application process that could satisfy all stakeholders? (see f.1.2.6)

During the public comment period, feedback is welcome on all aspects of the report, including ideas, positions, and proposals discussed in Part 2, section f.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1.3 Deliberations and Community Input

The full Working Group formally sought community input through public comment on three occasions: (1) conducted outreach to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as GNSO Stakeholder Groups (SGs) and Constituencies (Cs) with a request for input at the start of its deliberations, which included a specific request for historical statements or Advice relating to new gTLDs¹ (2) Community Comment 1 (CC1)² (2) Community Comment 2 (CC2)³. For additional information about outreach activities conducted by the full Working Group, please see the Initial Report.

Work Track 5 has conducted outreach by connecting to the relevant communities through Work Track Co-Leaders and participants engaged in those communities. There is one Work Track Co-Leader representing each the ALAC, the ccNSO, the GAC, and the GNSO. The Co-Leaders have served as liaisons to their respective communities, ensuring that members of their communities are aware of the status of activities and know about opportunities to engage. The Work Track Co-Leaders have regularly met with SOs and ACs during ICANN meetings. Face-to-face working sessions at ICANN meetings have been open and all members of the community have been encouraged to attend and engage. Cross-community sessions were held at ICANN59 and ICANN62 on the topic of geographic names at the top level.

In addition, some members of the GAC submitted written feedback about some of the issues being addressed by the Work Track.⁴

1.4 Conclusions and Next Steps

This Supplemental Report for Work Track 5 will be posted for public comment for approximately 40 days. After the Work Track reviews public comments received on this report, it will complete this section documenting any conclusions based on the overall findings of the report, which will be integrated into the Final Report.

¹ See outreach and inputs received on the Wiki here: <https://community.icann.org/x/2R6OAw>

² See Community Comment 1 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/3B6OAw>

³ See Community Comment 2 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/Gq7DAw>

⁴ See <https://community.icann.org/download/attachments/60490848/GAC%20Member%20inputs%20WTS.pdf?version=1&modificationDate=1529308543000&api=v2>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

2 Deliberations of the Working Group

a. What is the relevant 2007 policy and/or implementation guidance (if any)?

Recommendation 5: Strings must not be a reserved word.

Recommendation 20: An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted.

In the Final Report - Introduction of New Generic Top-Level Domains,⁵ the discussion of Recommendation 5 references language in the Reserved Names Working Group Final Report.⁶ The relevant text of Reserved Names Working Group Final Report states:

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.

Reserved Names Working Group Final Report further states:

⁵ <https://gnso.icann.org/en/issues/new-gtlds/pdp-dec05-fr-parta-08aug07.htm>

⁶ <https://gnso.icann.org/en/issues/new-gtlds/final-report-rn-wg-23may07.htm>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 We recommend that the current practice of allowing two letter names at the top
2 level, only for ccTLDs, remains at this time. Examples include .AU, .DE, .UK.

3
4 **b. How was it implemented in the 2012 round of the New gTLD**
5 **Program?**

6
7 The first two versions of the Applicant Guidebook (AGB) required that strings must
8 consist of three (3) or more visually distinct characters and that a meaningful
9 representation of a country or territory name on the ISO 3166-1 standard must be
10 accompanied by a letter of support or non-objection from the relevant government or
11 public authority.

12
13 The ICANN Board, at the urging of the ccNSO and GAC, directed staff to exclude country
14 and territory names from delegation in version four of the AGB. Other geographic
15 names, listed in section 2.2.1.4.2 of the AGB (see below), required a letter of support or
16 non-objection, though for non-capital city names, the need for the letter was dependent
17 upon intended usage of the string.

18
19 This implementation, described more fully directly below, was substantially different
20 from the GNSO's policy recommendations.⁷

21
22 In the final version of the 2012 Applicant Guidebook, Section 2.2.1.3.2 String
23 Requirements, Part III, 3.1 states, "Applied-for gTLD strings in ASCII must be composed
24 of three or more visually distinct characters. Two- character ASCII strings are not
25 permitted, to avoid conflicting with current and future country codes based on the ISO
26 3166-1 standard."

27
28 According to Section 2.2.1.4.1 Treatment of Country or Territory Names, the following
29 strings are considered country and territory names and were not available in the 2012
30 application round:

- 31
32 i. it is an alpha-3 code listed in the ISO 3166-1 standard.
33 ii. it is a long-form name listed in the ISO 3166-1 standard, or a translation of the
34 long-form name in any language.
35 iii. it is a short-form name listed in the ISO 3166-1 standard, or a translation of the
36 short-form name in any language.

⁷ For an overview of the background on Geographic Names in the New gTLD Program, see:
<https://community.icann.org/display/NGSPP/2017-04-25+Geographic+Names+Webinars?preview=/64077479/64083928/Geo%20Names%20Webinar%20Background%20Paper.pdf>

- 1 iv. it is the short- or long-form name association with a code that has been
- 2 designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency.
- 3 v. it is a separable component of a country name designated on the “Separable
- 4 Country Names List,” or is a translation of a name appearing on the list, in any
- 5 language. See the Annex at the end of this module.
- 6 vi. it is a permutation or transposition of any of the names included in items (i)
- 7 through (v). Permutations include removal of spaces, insertion of punctuation, and
- 8 addition or removal of grammatical articles like “the.” A transposition is
- 9 considered a change in the sequence of the long or short-form name, for example,
- 10 “RepublicCzech” or “IslandsCayman.”
- 11 vii. it is a name by which a country is commonly known, as demonstrated by
- 12 evidence that the country is recognized by that name by an intergovernmental or
- 13 treaty organization.

14
15 Section 2.2.1.4.2 Geographic Names Requiring Government Support states that
16 applications for the following strings must be accompanied by documentation of
17 support or non-objection from the relevant governments or public authorities:

- 18
- 19 1. An application for any string that is a representation, in any language, of the
- 20 capital city name of any country or territory listed in the ISO 3166-1 standard.
- 21 2. An application for a city name, where the applicant declares that it intends to
- 22 use the gTLD for purposes associated with the city name.

23
24 City names present challenges because city names may also be generic terms or
25 brand names, and in many cases city names are not unique. Unlike other types
26 of geographic names, there are no established lists that can be used as objective
27 references in the evaluation process. Thus, city names are not universally
28 protected. However, the process does provide a means for cities and applicants
29 to work together where desired.

30
31 An application for a city name will be subject to the geographic names
32 requirements (i.e., will require documentation of support or non-objection from
33 the relevant governments or public authorities) if:

- 34
- 35 (a) It is clear from applicant statements within the application that the applicant
- 36 will use the TLD primarily for purposes associated with the city name; and
- 37

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 (b) The applied-for string is a city name as listed on official city documents.⁸

2
3 3. An application for any string that is an exact match of a sub-national place name,
4 such as a county, province, or state, listed in the ISO 3166-2 standard.

5 4. An application for a string listed as a UNESCO region⁹ or appearing on the
6 “Composition of macro geographical (continental) regions, geographical sub-
7 regions, and selected economic and other groupings” list.¹⁰ In the case of an
8 application for a string appearing on either of the lists above, documentation of
9 support will be required from at least 60% of the respective national
10 governments in the region, and there may be no more than one written
11 statement of objection to the application from relevant governments in the
12 region and/or public authorities associated with the continent or the region.
13 Where the 60% rule is applied, and there are common regions on both lists, the
14 regional composition contained in the “Composition of macro geographical
15 (continental) regions, geographical sub-regions, and selected economic and
16 other groupings” takes precedence.

17
18 The Governmental Advisory Committee has produced the following documents
19 addressing the use of geographic names at the top level:

- 20
21 ● [GAC Principles and Guidelines for the Delegation and Administration of Country](#)
22 [Code Top Level Domains](#) (2005), paragraphs 4.1.1. , 4.1.2. and 8.3.
23 ● [GAC Principles Regarding New gTLDs \(2007\)](#), sections 1.2 , 2.1 ,2.2, 2.3, 2.4 , 2.7
24 and 2.8.
25 ● [GAC Nairobi Communiqué \(2010\): Application of 2007 Principles.](#)
26 ● [GAC Beijing Communiqué \(2013\): GAC Objections to Specific Applications.](#)

⁸ City governments with concerns about strings that are duplicates, nicknames or close renderings of a city name should not rely on the evaluation process as the primary means of protecting their interests in a string. Rather, a government may elect to file a formal objection to an application that is opposed by the relevant community, or may submit its own application for the string.

⁹ See <http://www.unesco.org/new/en/unesco/worldwide/>

¹⁰ See <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

- [GAC Durban Communiqué \(2013\): Future application of 2007 Principles.](#)
- [GAC Helsinki Communiqué \(2016\): 3-letter codes.](#)

This list is non-exhaustive. Additional resources and documents on this topic from the GAC and other sources can be found on the Work Track wiki [page](#).

In the 2012 round of the New gTLD Program, there were 66 applications that self-identified as geographic names pursuant to Section 2.2.1.4.3 of the Applicant Guidebook.¹¹ The Geographic Names Panel determined that 6 of these 66 did not fall within the criteria for a geographic name as defined in Section 2.2.1.4 of the Applicant Guidebook (VEGAS, ZULU, RYUKYU, SCOT, IST, FRL). The Geographic Names Panel identified 3 applications that did not self-identify as geographic names but the applied-for string fell within the criteria for geographic names, requiring relevant support or non-objections (TATA, BAR, TUI). Of the 63 that fell within the Applicant Guidebook criteria for a geographic name, 56 had acceptable supporting documentation of support or non-objection from the relevant applicable governmental authority, and of those, 54 have been delegated.

In addition, there were 18 strings which were the subject of one or more GAC Early Warnings that mentioned concerns related to the geographic nature of the string ((ROMA, AFRICA, SWISS, PERSIANGULF, PATAGONIA, CAPITAL, CITY, TOWN, VIN, YUN, 广州 [GUANGZHOU], SHANGRILA, 香格里拉 [SHANGRILA], 深圳 [SHENZHEN], ZULU, AMAZON, DELTA, INDIANS).¹²

~~Some~~Most of these strings were not contained on any of the lists in Section 2.2.1.4 of the Applicant Guidebook. Although some members of the GAC considered these strings to match geographic or geopolitical terms, these strings also corresponded to either generic terms or actual brand or company names. In almost all cases, the intended purposes for use of these applications as contained in the applicable Applicant’s response related to generic or brand use. Treatment of these strings was inconsistent. Some of these TLDs were permitted to move forward, some were only permitted where an arrangement could be reached with the geographic territory in question, and others were either not allowed to proceed or are still the subject of dispute. For those cases where an arrangement with the geographic territory was reached, no further information is publicly available on the details of such arrangement.

Commented [A8]: Greg Shatan suggested changing “Some” to “Most” as only two of these strings were on the lists (Roma and Africa).

Commented [A9R8]: Text edited.

Commented [A10]: Greg Shatan suggested inserting this sentence to clarify the message of the next sentence.

Commented [A11R10]: Text edited.

¹¹ <https://gtldresult.icann.org/applicationstatus/viewstatus>
¹² <https://gacweb.icann.org/display/gacweb/GAC+Early+Warnings>

1 **c. What are the preliminary recommendations and/or**
2 **implementation guidelines?**

3
4 Where recommendations reference the provisions of the 2012 Applicant Guidebook below, they
5 refer to the text of the Applicant Guidebook as written and do not refer to any subsequent
6 application of the Applicant Guidebook.

7
8 **PRELIMINARY RECOMMENDATION #1:**

9
10 As described in recommendations 2-9, the Work Track recommends, unless or until
11 decided otherwise, maintaining the reservation of certain strings at the top level in
12 upcoming processes to delegate new gTLDs. As described in recommendations 10-13,
13 the Work Track recommends, unless or until decided otherwise, requiring applications
14 for certain strings at the top level to be accompanied by documentation of support or
15 non-objection from the relevant governments or public authorities, as applicable.

16
17 **PRELIMINARY RECOMMENDATION #2:**

18
19 The Work Track recommends continuing to reserve all two-character¹³ letter-letter ASCII
20 combinations at the top level for existing and future country codes.

- 21
22 ● The starting point of this recommendation is Section 2.2.1.3.2 String
23 Requirements, Part III, 3.1 of the 2012 Applicant Guidebook, which states,
24 “Applied-for gTLD strings in ASCII must be composed of three or more visually
25 distinct characters. Two-character ASCII strings are not permitted, to avoid
26 conflicting with current and future country codes based on the ISO 3166-1
27 standard.”
28 ● The Work Track’s recommendation specifically addresses letter-letter
29 combinations because the focus of the Work Track is on geographic names. The
30 Work Track considers letter-letter combinations to be within the scope of this
31 subject area.
32 ● The Work Track notes that Work Track 2 of the New gTLD Subsequent
33 Procedures PDP Working Group is considering two-character letter-number
34 combinations and two-character number-number combinations.
35

Commented [A12]: Greg Shatan suggested adding “some or all”. Per Greg “This takes into account the “intended use” aspect.”

Commented [A13R12]: Some members did not feel comfortable with this edit. Staff has added “as applicable” following suggestion from Alan Greenberg.

¹³ The term “character” refers to either a single letter (for example “a”) or a single digit (for example “1”).

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 This recommendation is consistent with the GNSO policy contained in the Introduction
2 of New Generic Top-Level Domains policy recommendations from 8 August 2007. It is
3 also consistent with provisions in the 2012 Applicant Guidebook.

4
5 **PRELIMINARY RECOMMENDATION #3:**

6
7 The Work Track recommends continuing to consider the following category a country
8 and territory name which is reserved at the top level and unavailable for delegation, as
9 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.i:

- 10 ● alpha-3 code listed in the ISO 3166-1 standard.

11
12
13 The Work Track is not proposing to remove from delegation any 3-letter codes that have
14 already been delegated.

15
16 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
17 the GNSO policy recommendations contained in the Introduction of New Generic Top-
18 Level Domains from 8 August 2007. This recommendation makes the policy consistent
19 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
20 policy recommendation.

21
22 **PRELIMINARY RECOMMENDATION #4:**

23
24 The Work Track recommends continuing to consider the following category a country
25 and territory name which is reserved at the top level and unavailable for delegation, as
26 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.ii:

- 27 ● long-form name listed in the ISO 3166-1 standard.

28
29
30 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
31 the GNSO policy recommendations contained in the Introduction of New Generic Top-
32 Level Domains from 8 August 2007. This recommendation makes the policy consistent
33 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
34 policy recommendation. As currently written, the recommendation does not address
35 the issue of translations of these strings, which were reserved in the 2012 Applicant
36 Guidebook. Please see questions for community input in section e.

37
38 **PRELIMINARY RECOMMENDATION #5:**

39

Commented [A14]: Greg Shatan: I do not support this as a reserved list; rather, it should be subject to an intended use exclusion. These are not ccTLDs, nor is there any reason to believe they will be used as such in the foreseeable future. There are numerous 3-letter strings in this list with other meanings (common nouns in English or other languages, popular or technical abbreviations), that would be foreclosed without good reason. These include AND, ARE, ARM, BEL, BEN, BRA, BRB, CAN, CHE, COD, COG, CUB, DOM, ESP, FIN, FRO, GEO, GIN, GUM, GUY, HUM, IDN, IOT, IRK, JAM, KIR, LIE, LUX, MAC, NIC, NOR, PAN, PER, PRY, QAT, SAU, SUR, TON, TUN, and VAT. At the very least, these should be available for use with a letter of support if the intended use relates to the geographic meaning of the term, and available without a letter of support where the TLD use will not relate to geographic meaning of the string.

Commented [A15R14]: Incorporated into pros and cons listed in the deliberations sub-section on this topic. See f.2.2.2.

Commented [A16R14]: I support the treatment of Greg's comment under f.2.2.2

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 The Work Track recommends continuing to consider the following category a country
2 and territory name which is reserved at the top level and unavailable for delegation, as
3 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iii:

- 4 ● short-form name listed in the ISO 3166-1 standard.

6
7 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
8 the GNSO policy recommendations contained in the Introduction of New Generic Top-
9 Level Domains from 8 August 2007. This recommendation makes the policy consistent
10 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
11 policy recommendation. As currently written, the recommendation does not address
12 the issue of translations of these strings, which were reserved in the 2012 Applicant
13 Guidebook. Please see questions for community input in section e.

14
15 **PRELIMINARY RECOMMENDATION #6:**

16
17 The Work Track recommends continuing to consider the following category a country
18 and territory name which is reserved at the top level and unavailable for delegation, as
19 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.iv:

- 20 ● short- or long-form name association with a code that has been designated as
21 “exceptionally reserved”¹⁴ by the ISO 3166 Maintenance Agency.

22
23 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
24 the GNSO policy recommendations contained in the Introduction of New Generic Top-
25 Level Domains from 8 August 2007. This recommendation makes the policy consistent
26 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
27 policy recommendation.

28
29
30 **PRELIMINARY RECOMMENDATION #7:**

31

¹⁴ [The definition of "exceptional reservations" in Section 7.5, Reservation of Code Elements in the current standard, \(ISO 3166-1:2013\(E/F\)\)](#): “7.5.4 Exceptional reserved code elements: Code elements may be reserved, in exceptional cases, for country names which the ISO 3166/MA has decided not to include in this part of ISO 3166, but for which an interchange requirement exists. Before such code elements are reserved, advice from the relevant authority must be sought.”

Commented [A17]: Deliberations section has been updated to reflect recent inputs on the topic of exceptionally reserved codes.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 The Work Track recommends continuing to consider the following category a country
2 and territory name which is reserved at the top level and unavailable for delegation, as
3 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.v:

- 4 ● separable component of a country name designated on the “Separable Country
5 Names List.” This list is included as an appendix to the 2012 Applicant
6 Guidebook.

7
8
9 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
10 the GNSO policy recommendations contained in the Introduction of New Generic Top-
11 Level Domains from 8 August 2007. This recommendation makes the policy consistent
12 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
13 policy recommendation. As currently written, the recommendation does not address
14 the issue of translations of these strings, which were reserved in the 2012 Applicant
15 Guidebook. Please see questions for community input in section e.

16
17 **PRELIMINARY RECOMMENDATION #8:**

18
19 The Work Track recommends clarifying 2012 Applicant Guidebook section 2.2.1.4.1.vi,
20 which designates the following category as a country and territory name which is
21 reserved at the top level and unavailable for delegation:

- 22 ● permutation or transposition of any of the names included in items (i) through
23 (v). Permutations include removal of spaces, insertion of punctuation, and
24 addition or removal of grammatical articles like “the.” A transposition is
25 considered a change in the sequence of the long or short-form name, for
26 example, “RepublicCzech” or “IslandsCayman.”

27
28
29 The Work Track recommends clarifying that permutations and transpositions of the
30 following strings are reserved:

- 31 ● long-form name listed in the ISO 3166-1 standard.
 - 32 ● short-form name listed in the ISO 3166-1 standard.
 - 33 ● short- or long-form name association with a code that has been designated as
34 “exceptionally reserved” by the ISO 3166 Maintenance Agency.
 - 35 ● separable component of a country name designated on the “Separable Country
36 Names List.” This list is included as an appendix to the 2012 Applicant
37 Guidebook.
- 38
39

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 Permutations and transpositions of alpha-3 code listed in the ISO 3166-1 standard
2 should be allowed.

Commented [A18]: Would it be too pedantic to say "Strings resulting from permutations and transpositions of alpha-3 codes"? After all those will no longer be alpha-3 codes. Note plural ... codes.

3
4 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
5 the GNSO policy recommendations contained in the Introduction of New Generic Top-
6 Level Domains from 8 August 2007. This recommendation clarifies the text from the
7 2012 Applicant Guidebook and updates the policy to be consistent with the Work
8 Track's interpretation of 2012 Applicant Guidebook section 2.2.1.4.1.vi.

9
10 **PRELIMINARY RECOMMENDATION #9:**

11
12 The Work Track recommends continuing to consider the following category a country
13 and territory name which is reserved at the top level and unavailable for delegation, as
14 stated in the 2012 Applicant Guidebook section 2.2.1.4.1.vii:

- 15
16 ● name by which a country is commonly known, as demonstrated by evidence that
17 the country is recognized by that name by an intergovernmental or treaty
18 organization.

19
20 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
21 the GNSO policy recommendations contained in the Introduction of New Generic Top-
22 Level Domains from 8 August 2007. This recommendation makes the policy consistent
23 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
24 policy recommendation.

25
26 **PRELIMINARY RECOMMENDATION #10:**

27
28 The Work Track recommends continuing to consider the following category a
29 geographic name requiring government support at the top level. Applications for these
30 strings must be accompanied by documentation of support or non-objection from the
31 relevant governments or public authorities:

- 32
33 ● An application for any string that is a representation of the capital city name of
34 any country or territory listed in the ISO 3166-1 standard.

35
36 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
37 the GNSO policy recommendations contained in the Introduction of New Generic Top-
38 Level Domains from 8 August 2007. This recommendation makes the policy consistent
39 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
40 policy recommendation. As currently written, the recommendation does not address
41 the issue of translations of these strings, which required support/non-objection in the

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 2012 Applicant Guidebook. Please see questions for community input regarding
2 translations in section e.

3
4 **PRELIMINARY RECOMMENDATION #11:**

5
6 The Work Track recommends continuing to consider the following category a
7 geographic name requiring government support at the top level. Applications for these
8 strings must be accompanied by documentation of support or non-objection from the
9 relevant governments or public authorities:

- 10
11
- 12 • An application for a city name, where the applicant declares that it intends to
13 use the gTLD for purposes associated with the city name. An application for a city
14 name will be subject to the geographic names requirements (i.e., will require
15 documentation of support or non-objection from the relevant governments or
16 public authorities) if: (a) It is clear from applicant statements within the
17 application that the applicant will use the TLD primarily for purposes associated
18 with the city name; and (b) The applied-for string is a city name as listed on
19 official city documents

20 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
21 the GNSO policy recommendations contained in the Introduction of New Generic Top-
22 Level Domains from 8 August 2007. This recommendation makes the policy consistent
23 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
24 policy recommendation.

25
26 **PRELIMINARY RECOMMENDATION #12:**

27
28 The Work Track recommends continuing to consider the following category a
29 geographic name requiring government support at the top level. Applications for these
30 strings must be accompanied by documentation of support or non-objection from the
31 relevant governments or public authorities:

- 32
33
- 34 • An application for any string that is an exact match of a sub-national place name,
35 such as a county, province, or state, listed in the ISO 3166-2 standard.

36 The 2012 Applicant Guidebook provisions related to this category are inconsistent with
37 the GNSO policy recommendations contained in the Introduction of New Generic Top-
38 Level Domains from 8 August 2007. This recommendation makes the policy consistent
39 with the 2012 Applicant Guidebook, and therefore represents a change to the existing
40 policy recommendation.

Commented [A19]: Staff note: Based on discussion on the 14 Nov call, the co-leaders have suggested leaving this recommendation as-is to support additional discussion and community input, noting that there is ample opportunity to make changes prior to the publication of the Final Report. See deliberations section for material on the different perspectives and proposals for this topic.

1
2 **PRELIMINARY RECOMMENDATION #13:**
3

4 The Work Track recommends continuing to consider the following category a
5 geographic name requiring government support at the top level. Applications for these
6 strings must be accompanied by documentation of support or non-objection from the
7 relevant governments or public authorities:
8

- 9 • An application for a string listed as a UNESCO region¹⁵ or appearing on the
10 “Composition of macro geographical (continental) regions, geographical sub-
11 regions, and selected economic and other groupings”¹⁶ list.

12
13 In the case of an application for a string appearing on either of the lists above,
14 documentation of support will be required from at least 60% of the respective
15 national governments in the region, and there may be no more than one written
16 statement of objection to the application from relevant governments in the
17 region and/or public authorities associated with the continent or the region.
18

19 Where the 60% rule is applied, and there are common regions on both lists, the
20 regional composition contained in the “Composition of macro geographical
21 (continental) regions, geographical sub-regions, and selected economic and
22 other groupings” takes precedence.”
23

24 The 2012 Applicant Guidebook provisions related to this category are inconsistent the
25 GNSO policy recommendations contained in the Introduction of New Generic Top-Level
26 Domains from 8 August 2007. This recommendation makes the policy consistent with
27 the 2012 Applicant Guidebook, and therefore represents a change to the existing policy
28 recommendation.
29
30
31

32 **d. What are the options under consideration, along with the**
33 **associated benefits / drawbacks?**
34

35 Given the large volume of proposals and options put forward by Work Track members and
36 noting the importance of providing context for each of these proposals, all options and
37 proposals are included under the appropriate sub-sections of the deliberations in section f.

¹⁵ See <http://www.unesco.org/new/en/unesco/worldwide/>

¹⁶ See <http://unstats.un.org/unsd/methods/m49/m49regin.htm>

Commented [A20]: Greg Shatan suggested updating the link to <https://unstats.un.org/unsd/methodology/m49/>

Commented [A21R20]: See comments above.

Commented [A22]: Greg Shatan suggested changing this to “An application for a string listed as a UNESCO region” or appearing as a “geographic region,” “sub-region,” “intermediary region” or “other grouping”¹ on the “Standard country or area codes for statistical use”¹ list maintained by the United Nations Statistical Commission and commonly referred to as the M49 standard.”

Commented [A23R22]: Greg Shatan: This resource is no longer known by this name. The hard copy has not been published since 1999 and the online version does not use this name. Nonetheless, it seems people (but not the UN, as far as I can tell) still use it out of force of habit. Using this title also creates an ambiguity, since the list now includes “intermediary regions” which are parts of sub-regions. I suggest adding “intermediary regions” explicitly to avoid future disputes.

Commented [A24R22]: Given the timing of this feedback, staff suggests leaving this text as-is in the preliminary recommendation, noting this issue in the deliberations section (see f.2.3.4), and stating that additional research is underway (staff has this as an action item to investigate). Adjustments can be incorporated for the Final Report.

Commented [A25R22]: Noted. Looking forward to staff update on this research – hoping to see prior and current lists.

1
2
3 **e. What are the specific questions on which the PDP WG is seeking**
4 **feedback?**
5

6 **Overarching Issues**
7

- 8 ● e1: The Work Track encourages feedback from applicants or other stakeholders
9 who were involved in the 2012 round. The Work Track is particularly interested
10 in hearing about the experiences of the following groups and individuals:
11 ○ Applicants who applied for terms defined as geographic names in the
12 2012 Applicant Guidebook, as well as those who considered applying for
13 such strings but chose not to apply.
14 ○ Applicants who applied for terms not defined as geographic names in the
15 2012 Applicant Guidebook but who had experiences in the process
16 related to the geographic connotations of the applied-for string.
17 ○ Other parties who raised objections to an application, provided support
18 for an application, or otherwise engaged during the course of the
19 application process for applications in the two categories above.

20 Please share any positive or negative experiences, including lessons learned and
21 areas for improvement in subsequent procedures. Please see deliberations
22 section [f.1.2.5 on pages 37-42](#) for context on this question.
23

- 24 ● e2: The definition of the term “geographic name” could impact development of
25 policy and implementation guidance, as well as program implementation details,
26 such as guidance for the Geographic Names Panel in the New gTLD application
27 process. In your view, how should the term “geographic name” be defined for
28 the purposes of the New gTLD Program? Should there be any special
29 requirements or implications for a term that is considered a “geographic name”?
30 **Is “geographic name” the appropriate term to use in this context, as opposed to,**
31 **for example, “term with geographic meaning”?** Why or why not? Please see
32 deliberations section [f.1.2.4 on pages 34 - 36](#) for context on this question.
33

- 34 ● e3: The Work Track has discussed different types of mechanisms that can be
35 used to protect geographic names in the New gTLD Program. These mechanisms
36 fall broadly into two categories, noting that the categories are not mutually
37 exclusive and measures from both categories can be used in combination:

Commented [A26]: Greg Shatan: suggests adding “Is “geographic name” the proper term to use?” From Greg: I think we need to ask this question. The very use of the term creates issues (vs. e.g., “term with geographic meaning”), since it creates the impression that the strings in question are uniquely “geographic names”.

Commented [A27R26]: Added question.

- 1 o Preventative: Measures in this category include reserving certain strings
- 2 to make them unavailable for delegation or requiring letters of
- 3 support/non-objection from relevant governments or public authorities,
- 4 either in all cases or dependent on intended usage of the TLD.
- 5 o Curative: Measures in this category include objection mechanisms,
- 6 contractual provisions incorporated into the registry agreement,
- 7 enforcement of those provisions, and post-delegation dispute resolution
- 8 mechanisms.
- 9

10 In your view, what is the right balance or combination of preventative and

11 curative rights mechanisms in relation to protection of geographic names in the

12 New gTLD Program? Please see deliberations section **f.1.2.2 on pages 28-29** for

13 context on this question.

- 14 ● e4: Work Track members have considered a series of principles that may be used
- 15 to guide the development of future policy on geographic names. The principles
- 16 were discussed in the context of city names and terms not included in the 2012
- 17 Application Guidebook, but they may be applicable more broadly. Proposed
- 18 principles include:
- 19 o In alignment with [Principle C](#) from the 2007 GNSO recommendations on
- 20 new gTLDs, the program should allow for the introduction of new gTLDs.
- 21 o In alignment with [Principle A](#) from the 2007 GNSO recommendations on
- 22 new gTLDs, enhance the predictability for all parties.
- 23 o Reduce the likelihood of conflicts within the process, as well as after the
- 24 process concludes and TLDs are delegated.
- 25 o Policies and processes should be simple to the extent possible.

26 Please see the deliberations section of this document for additional discussion of

27 these principles. Do you support these principles? Why or why not? Are there

28 additional principles that the Work Track should consider? Please explain. Please

29 see deliberations section **f.1.3 on pages 42-43** for context on this question.

Commented [A28]: Can we combine this with the last sentence re deliberations?

- 30 ● e5: To what extent should the following serve as a basis for the development of
- 31 policies regarding geographic names?
- 32 o International law
- 33 o National/local law and policy
- 34 o Norms and values (please specify)
- 35 o Another basis not categorized above (please specify)

Commented [A29]: Should be 5.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 Please explain. Please see deliberations **section f.1.2.1 on pages 25-28 and**
2 **section f.1.2.3 on pages 30-34** for context on this question.

3 4 **Country and Territory Names**

- 5
6 ● e6: In the 2012 Applicant Guidebook, a string was considered unavailable if it
7 was a translation **in any language** of the following categories of country and
8 territory names:
9 ○ long-form name listed in the ISO 3166-1 standard.
10 ○ short-form name listed in the ISO 3166-1 standard.
11 ○ separable component of a country name designated on the “Separable
12 Country Names List.”

13 In developing recommendations for future treatment of country and territory
14 names, the Work Track has considered several alternatives related to translation:

- 15 ○ continue to reserve as unavailable translations in any language
16 ○ reserve as unavailable translations in UN languages
17 ○ reserve as unavailable translations in UN languages and the official
18 languages of the country
19 ○ reserve as unavailable translations in official languages of the country
20 ○ reserve as unavailable translations in official and commonly used
21 languages
22 ○ reserve as unavailable translations in official and relevant national,
23 regional, and community languages
24 ○ reserve as unavailable translations in “principal languages” where the
25 principal languages are the official or de facto national languages and the
26 statutory or de facto provincial languages of that country
27 ○ a combination of two or more categories above

28 In your view, which alternative is the best option? Please explain. Do you have
29 suggestions for alternatives not included in the list above? Please see
30 deliberations section **f.2.2.1.2 on pages 46-48** for context on this question.

- 31
32 ● e7: Some Work Track members have expressed that there should be a process in
33 place to delegate 3-letter codes and/or other country and territory names to
34 specific parties, such as relevant governments and public authorities or other
35 entities. Do you believe that this is an issue on which Work Track 5 should make
36 a recommendation? Please see deliberations section **f.2.2.1.1 on page 46** for
37 context on this question.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

Geographic Names Requiring Government Support in the 2012 Applicant Guidebook

- e8: In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for any string that is a representation, **in any language**, of the capital city name of any country or territory listed in the ISO 3166-1 standard” (emphasis added). In developing recommendations for future treatment of capital city names, the Work Track has considered several alternatives related to the “in any language” standard:
 - translations in UN languages
 - translations in UN languages and the official languages of the country
 - translations in official languages of the country
 - translations in official and commonly used languages
 - translations in official and relevant national, regional, and community languages
 - translations in “principal languages” where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country
 - a combination of two or more categories aboveIn your view, which alternative is the best option? Please explain. Do you have suggestions for alternatives not included in the list above? Please see deliberations section [f.2.3.1 on pages 57-58](#) for context on this question.

- e9: In the 2012 round, applicants were required to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.” The requirement applied if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” Do you think that this requirement should be kept, eliminated, or modified in subsequent procedures? Please explain. Please see deliberations [section f.2.3.2 on pages 59-69](#) for context on this question.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- e10: Section **f.2.3.2** of this report outlines a series of proposals that Work Track members have put forward for the future treatment of non-capital city names. What is your view of these proposals? Are there any that you support the Work Track considering further? Do you have alternate proposals you would like the Work Track to consider? Please explain. Please see deliberations **section f.2.3.2, and specifically pages 62-69**, for context on this question.

Additional Categories of Terms

- e11: In the 2012 round, the Applicant Guidebook listed categories of terms that were considered geographic names and had specific rules (see section b for additional information about these categories).
 - Some Work Track members have expressed support for protecting/restricting additional categories of geographic names in future versions of Applicant Guidebook.
 - Some Work Track members have expressed that no additional types of terms should be protected/restricted beyond those included in the 2012 Applicant Guidebook.
 - Some Work Track members have expressed that compared to the 2012 round, fewer types of terms should be protected/restricted in subsequent procedures.
- Work Track members who support including additional terms in the Applicant Guidebook have proposed protecting/restricting the following categories:
- Geographic features (rivers, mountains, etc)
 - Names of additional sub-national and regional places not included in the 2012 Applicant Guidebook
 - Non-ASCII geographic terms not included in the 2012 Applicant Guidebook
 - Any term that can be considered geographic in nature
 - Geographical Indications

Two Work Track members stated that currency codes listed **in** under ISO 4217 should be protected as geographic names. A number of other Work Track members responded that they do not view these codes as geographic names, and believe that such codes are therefore out of scope, noting that the broader

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Commented [A30]: Delete "in"

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 issue of reserved names is in scope for the full New gTLD Subsequent Procedures
2 PDP Working Group.

3
4 Should additional types of strings have special treatment or rules in the
5 Applicant Guidebook? If so, which ones and on what basis? Can the scope of the
6 category be effectively established and limited? What are the boundaries of the
7 category? If not, why not? As opposed to preventative restrictions, would any
8 changes to objections, post-delegation mechanisms, or contractual provisions
9 mitigate concerns related to these strings? Please see deliberations **section f.2.4**
10 **on pages 72-78** for context on this question.

11 12 13 **f. Deliberations**

14 15 **f.1 PART I - ISSUE OVERVIEW**

16 17 **f.1.1 INTRODUCTION**

18
19 Work Track 5 was launched in November 2017 and has worked for nearly a year to
20 review the policy and implementation from the 2012 round and develop preliminary
21 recommendations on the future treatment of geographic names at the top-level in the
22 New gTLD Program. Given the diversity of views on this topic and the fact that the
23 ICANN has been debating related issues for many years, finding an agreed path forward
24 has been a challenging task.

25
26 The Work Track used a number of different strategies to gather input from the diverse
27 set of participants in the group. The Work Track revisited the 2007 policy and did a deep
28 dive into understanding the rules and procedures as implemented in the 2012
29 application round. It mapped and analyzed the different elements of the 2012 process
30 with respect to geographic names to ensure that there is a common understanding of
31 the different program elements. It reviewed recent resolutions by the ICANN Board
32 regarding specific cases from the 2012 round.¹⁷ The Work Track reflected on both
33 positive and negative experiences from the 2012 application round and considered
34 issues experienced by applicants and other parties. It worked to develop principles that
35 may guide the evaluation of options for future treatment of geographic names. The
36 Work Track considered “pros” and “cons” of existing treatment from the 2012 Applicant
37 Guidebook, as well as “pros” and “cons” of alternatives proposed by Work Track

¹⁷ Specifically, the Work Track reviewed and discussed the following resolutions: [Further Consideration of .AMAZON Applications \(16 September 2018\)](#); [Further Consideration of Gulf Cooperation Council v. ICANN Independent Review Process Final Declarations \(3 October 2018\)](#).

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 members. Finally, the Work Track sought to find convergence on areas where there
2 might be agreement regarding future treatment.

3
4 Deliberations uncovered some areas of possible compromise where members tended to
5 either support or accept the existing terms in the 2012 Applicant Guidebook. Noting
6 that no official consensus calls have been taken prior to publication of the Initial Report,
7 all preliminary recommendations are for discussion purposes at this stage and may
8 change based on community input received through public comment, as well as further
9 deliberations by the Work Track.

10
11 In those areas where the Work Track put forward preliminary recommendations, the
12 preliminary recommendations tended to support either maintaining or making minor
13 adjustments to the existing provisions contained in the 2012 Applicant Guidebook.
14 Some Work Track members noted that it may be difficult to move away from the 2012
15 Applicant Guidebook terms, because these provisions already represented a form of
16 compromise. ~~T-As~~ there was no clear legal foundation upon which to base
17 protections/restrictions. ~~The initial draft version of the Applicant Guidebook was drafted~~
18 ~~by the ICANN Organization drawing on policies and implementation guidance developed~~
19 ~~through the GNSO. The , the 2012 treatment reflected in the final version of the~~
20 ~~Applicant Guidebook was primarily the result of negotiation discussions between the~~
21 ~~GAC, the ccNSO, and the ICANN Board and subsequent directives aimed at and the~~
22 ~~ICANN Organization based on public policy and public interest considerations, with the~~
23 ~~GNSO and others having the opportunity to submit public comment on each updated~~
24 ~~draft version.~~

25
26 In other topic areas, there is not yet a clear path forward. For these issue areas, the
27 report includes options in section f and questions for community input in section e. The
28 Work Track looks forward to receiving input from the community through public
29 comment on preliminary recommendations, options, and questions that may help to
30 inform further refinement of the Work Track's outputs.

31 **f.1.2 KEY ISSUES AND POINTS OF VIEW**

32
33
34 Through the deliberations process, it was apparent that there are different views in the
35 Work Track about which issues need to be addressed through policy and which
36 corresponding mechanisms should exist in the implementation of the New gTLD
37 Program. This section summarizes high-level themes that emerged in the discussions
38 and outlines some of the points of view held by Work Track members.

39 **f.1.2.1 Who owns a string? Who has rights to a string? What is the appropriate role of** 40 **geographic communities and governments?** 41

Commented [A31]: Added "Applicant"

Commented [A32]: Annebeth Lange: This sentence should be modified. It could read as the complete 2012 Applicant Guidebook primarily was the result of discussions between the GAC etc. The GNSO presented a first version of the guidebook that caused a lot of discussion among the other stakeholders, since they had not been involved from the start (as they are now). What we are referring to here, is the result of the treatment of geographic names, where the GAC, the ccNSO had strong opinions, feeling that public interests had not been taken into consideration in the first place. So I would suggest changing it with adding the paragraphs containing the geonames.

Commented [A33]: Greg Shatan: Just curious – was GNSO involved in these "negotiations"? As the body tasked with developing gTLD policy, one would have thought GNSO would have had a seat at the table. If so, GNSO should be added.

Commented [A34R33]: Suggested edit.

1
2 The 2012 Applicant Guidebook sought to address these questions by putting in place a
3 combination of preventative and curative measures. Preventative measures included
4 reserving country and territory names, therefore making them unavailable for use, and
5 requiring applicants to obtain letters of support/non-objection from relevant
6 governments or public authorities for specific types of geographic names. A range of
7 curative rights were incorporated into the program more broadly and could be used in
8 relation to geographic strings, as well as all other types of applications.

9
10 There are fundamental differences in perspectives about whether certain parties have
11 rights to either determine the use of a string at the top level or be consulted during the
12 application process at the top level for a string if that string has geographic
13 connotations. For example, some believe that:

- 14
- 15 ● No individual, entity, or group of people owns a string. This includes strings that
16 may have geographic connotations.
- 17 ● There are different legitimate interests in a string and different potential
18 legitimate uses of a string. There must be a clear basis for any one interest to
19 take priority over others in determining how a string will be used or not used.
- 20 ● Any special rules, rights, privileges, or roles in the New gTLD Program should be
21 rooted in international law, and there is no clear basis in international law
22 justifying such special rules, rights, privileges, or roles for specific groups of
23 stakeholders, including governments. Please see section **f.1.2.3** for additional
24 discussion of law and policy considerations.
- 25 ● Governments do not always represent the interests of people and communities
26 associated with a geographic location. There may be instances where the
27 interests and positions of a national or local government diverge from the
28 interests of the people associated with a given geographic location. There may
29 be cases where people or a community associated with a geographic location
30 would like to use a name associated with that place, but a national government
31 does not support that use.

32
33 With respect to people and communities associated with a place, some believe that:

- 34
- 35 ● Geographic terms have political, historical, economic, social, and sometimes
36 religious connotations for populations and communities associated with those
37 terms. People and communities associated with a geographic location have a
38 strong interest in the use of these terms.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● The perspectives of people associated with a geographic location are essential in
2 determining how and where a geographic name will be used in different
3 contexts.
- 4 ● The use of a string with geographic connotations in the DNS would have effects
5 in the place associated with that term, and therefore there must be a voice in
6 the process that represents the interests of the people.
- 7 ● Rules should take into account that there may be different norms and cultural
8 factors in different parts of the world.

9
10 With respect to governments and public authorities, some believe that:

- 11 ● Governments are representatives of the public interest and have responsibilities
12 regarding the names of geographic locations as the primary identifiers in social,
13 national, political and economic interactions and as identification of their
14 peoples.
- 15 ● The relevant governments and public authorities represent the interests of the
16 people in a geographic region and have a responsibility to uphold the laws of
17 that country.
- 18 ● Governments should have a special role in determining the use of strings
19 associated with geography in the DNS.
- 20 ● City names in particular are subject to general/public interests represented by
21 that city government. City governments act according to the laws and policies of
22 the countries in which they are established and accountable under those laws
23 and policies. Therefore, city governments should be consulted by those applying
24 for city names.
- 25

26
27 With respect to brand applicants, some believe that:

- 28 ● Brand applicants have legitimate interests in a string that corresponds to a brand
29 and is also associated with the name of a city or other geographic location. These
30 legitimate interests must be taken into account in the New gTLD Program.

31
32 The above points of view are closely connected to different perspectives on the
33 applicability of international and national law. Please see section **f.1.2.3** for further
34 discussion on the applicability of international and national law.

35 The Work Track discussed the role of the Governmental Advisory Committee both in the
36 2012 round and in subsequent procedures. In the 2012 round, a member of the GAC

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 could provide an Early Warning on a New gTLD application, including but not limited to
2 an application for a geographic name. This was a notice that an application was seen as
3 potentially sensitive or problematic by one or more governments. An Early Warning was
4 not a formal objection, nor did it directly lead to a process that could result in rejection
5 of the application. In addition the GAC could provide consensus advice on any
6 application to the ICANN Board, as described in Module 3 of the Applicant Guidebook.

7 With respect to the role of the GAC, some believe that:

- 8 ● The GAC plays a unique role in the ICANN context and governments represented
9 in the GAC have a particular interest and stake in the treatment of geographic
10 terms.
- 11 ● The role played by the GAC in the 2012 round was appropriate.
- 12 ● There may be opportunities to expand the role of the GAC to support
13 predictability in the process.

14
15 Some believe that:

- 16 ● The GAC has an advisory role to the Board and may collectively provide
17 consensus advice, but the GAC does not have an operational role at ICANN.
- 18 ● Individual GAC members may have distinct positions on individual applications,
19 but the role of individual governments is different than the GAC acting as a
20 whole through GAC advice.
- 21 ● The GAC intervened in the evaluation process in a manner that was problematic
22 and unfair during the 2012 round.
- 23 ● The role of the Board and the GAC should be clearer and consistently applied in
24 subsequent rounds of the application process, including with respect to
25 applications for geographic names.

26 27 **f.1.2.2 What types of mechanisms should exist to exercise rights or establish roles in** 28 **the process?**

29
30 As discussed in section f.1.2.1, the 2012 Applicant Guidebook sought to answer this
31 question by implementing a set of preventative measures specific to certain types of
32 geographic names, and a number of curative measures that applied to the program
33 more broadly.

34
35 Work Track members expressed different views about how rights should be exercised
36 and roles established for stakeholders in the New gTLD Program in relation to

1 geographic names. The Work Track discussed two possible categories of mechanisms,
2 noting that it is possible to use a combination of different types of mechanisms in
3 program implementation. Preventative mechanisms in the Applicant Guidebook include
4 1) adding certain strings to lists of reserved names to make them unavailable for
5 delegation and 2) requiring letters of support or non-objection from relevant
6 governments or public authorities for certain types of applications. Curative
7 mechanisms include objections processes, use of Public Interest Commitments,
8 contractual provisions and enforcement, and post-delegation dispute resolution. Some
9 in the Work Track believe that preventative and curative protections could be combined
10 for creative solutions.

11
12 Some believe that protections in the New gTLD Program should focus on curative
13 mechanisms, or at a minimum, believe that no additional preventative mechanisms
14 should be adopted. More specifically, some believe that:

- 15 ● ICANN policy has consistently disfavored reservations other than for technical
16 reasons, **blocking rights and other systems that prevent a TLD from entering the**
17 **market.**
- 18 ● In the past, any list-based exclusionary right has undergone strict scrutiny and
19 has been applied narrowly.
- 20 ● The ICANN policy-making process has traditionally favored curative rights over
21 preventative rights.
- 22 ● It is not unusual for different types of stakeholders to conduct monitoring
23 related to gTLDs in which they are interested so that they may exercise curative
24 rights. The scale of the gTLD environment is relatively limited, and automated
25 processes can assist with monitoring. It should be possible for governments and
26 other entities to effectively use curative mechanisms.
- 27

28 Some believe that there should be greater reliance on preventative mechanisms
29 compared to the 2012 round, or at a minimum, believe that existing preventative
30 mechanisms should remain in place. More specifically, some believe that:

- 31 ● Reliance on curative rights presents a significant burden on governments, some
32 of whom are not aware of ICANN or its activities, to monitor the application
33 process to see if an application of interest has been submitted.
- 34 ● Curative rights may present a particular burden for governments in developing
35 countries with limited resources.
- 36 ● Reliance on curative rights also presents a significant burden **on** communities of
37 people associated with a place.
- 38

Commented [A35]: Greg Shatan: I'm not sure what "blocking rights" refers to; this should probably be deleted. Same thing with "other systems that prevent a TLD from entering the market" (which could mean just about anything).

Commented [A36R35]: Greg, this was actually from an email you sent to the mailing list on 12 May: "ICANN policy has consistently disfavored reservations (other than for technical reasons), blocking rights and other systems that prevent a TLD (or second level domain) from entering the market. Any list-based exclusionary right has undergone strict scrutiny and has been applied narrowly, to a few particularly deserving parties." Therefore, it's no problem to remove the associated text here.

Commented [A37]: "on" was missing

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- This challenge would potentially be even greater in a scenario where applications are accepted at regular intervals or on an ongoing basis in the future and if application volumes are high.
- It is a further burden to monitor the operation of TLDs and take action if a TLD is not meeting commitments stated in the application.

There are differences of opinion about whether preventative mechanisms grant rights to parties, for example whether requiring applicants to obtain a letter of support/non-objection from relevant governments or public authorities grants preventative rights to those governments or public authorities. Some believe that:

- This rule provides a role for governments and public authorities in which the government or public authority can choose to deny or withhold support/non-objection, and as a result the application will not move forward. Therefore, ~~these~~ this mechanism provides a preventative right to governments and public authorities.

Some believe that:

- This rule does not provide a preventative right to governments and public authorities, but instead places a requirement on applicants to obtain a letter of support or non-objection while still allowing any interested parties to apply.

f.1.2.3 What law and policy considerations should be taken into account? Which should take precedent?

In the 2012 round, no clear legal basis was identified to justify special treatment of geographic names. ~~The initial draft version of the Applicant Guidebook was drafted by the ICANN Organization drawing on policies and implementation guidance developed through the GNSO. The 2012 treatment reflected in the final version of the Applicant Guidebook was primarily the result of discussions between the GAC, the ccNSO, and the ICANN Board and subsequent directives aimed at the ICANN Organization based on public policy and public interest considerations, with the GNSO and others having the opportunity to submit public comment on each updated draft version. The 2012 Applicant Guidebook was primarily the result of represents and compromised discussions between the GAC, the ccNSO, the ICANN Board and subsequent directives aimed at the ICANN Organization based on public policy and public interest considerations.~~

Commented [A38]: Greg Shatan: I don't see how this is not a preventative right. If the government or public authority chooses not to provide a letter of support or non-objection, the applicant is prevented from moving forward.

Commented [A39R38]: Since this statement is prefaced by "Some believe that," staff suggests leaving as-is for readers to judge. This is also something WT members can comment on in public comment.

Commented [A40R38]: Agree, should leave as-is. It's a belief of some.

Commented [A41]: Insert "Applicant"

Commented [A42]: Annebeth Lange: This sentence should be modified. It could read as the complete 2012 Applicant Guidebook primarily was the result of discussions between the GAC etc. The GNSO presented a first version of the guidebook that caused a lot of discussion among the other stakeholders, since they had not been involved from the start (as they are now). What we are referring to here, is the result of the treatment of geographic names, where the GAC, the ccNSO had strong opinions, feeling that public interests had not been taken into consideration in the first place. So I would suggest changing it with adding the paragraphs containing the geonames.

Commented [A43]: Greg Shatan: Just curious – was GNSO involved in these "negotiations"? As the body tasked with developing gTLD policy, one would have thought GNSO would have had a seat at the table. If so, GNSO should be added.

Commented [A44R43]: Suggested edit.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 In discussions about applicability of law and policy, Work Track members referenced,
2 but had different interpretations of Section 1.2 (a) of the ICANN Bylaws. Section 1.2 (a)
3 states: "In performing its Mission, ICANN must operate in a manner consistent with
4 these Bylaws for the benefit of the Internet community as a whole, carrying out its
5 activities in conformity with relevant principles of international law and international
6 conventions and applicable local law, through open and transparent processes that
7 enable competition and open entry in Internet-related markets."¹⁸

8
9 With respect to international law¹⁹, some believe that:

- 10 ● There is no basis in international law for governments to assert the right to
11 provide support/non-objection for certain strings, which some members
12 consider to be a "veto" power over applications for these strings.
- 13 ● ICANN should not set policy by anticipating what international law may exist in
14 the future.

15
16
17 With respect to international law, some believe that:

- 18 ● Ongoing work at UNESCO and WIPO on geographic names is international law "in
19 the making" and should be reflected in policy.

20
21 There was discussion on the specific issue of rights to freedom of expression rights
22 under international law. Some believe that:

- 23 ● Freedom of expression rights give different types of applicants the right to apply
24 for strings, including strings with geographic connotations.

25
26
27 Some looked at freedom of expression from the standpoint of potential registrants or
28 constituents in a geographical location and believe that:

¹⁸ In addition, ICANN's Articles of Incorporation state, "The Corporation shall operate in a manner consistent with these Articles and its Bylaws for the benefit of the Internet community as a whole, carrying out its activities in conformity with relevant principles of international law and international conventions and applicable local law and through open and transparent processes that enable competition and open entry in Internet-related markets. To this effect, the Corporation shall cooperate as appropriate with relevant international organizations."

¹⁹ One Work Track member submitted for the Work Track's consideration her analysis [Applying International Law to the New gTLD Applicant Guidebook](#) and the book she wrote on the topic "[Protection of Geographic Names in International Law and Domain Name System.](#)"

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

- Freedom of expression rights give rights to people associated with a place. If a business controls a TLD with geographic connotations, and the people associated with that place later want to use that name as a TLD but are unable to do so, this may impact the free expression rights of the people connected to the geographic place.

The Work Track discussed the applicability of national law in relation to the use of geographic names as TLDs. Some believe that:

- The rights and responsibilities of national and local governments with respect to geographic names are established in public policy and law instruments in different countries.
- Delegation of TLDs with geographic connotations have impacts within the applicable country, and a legal challenge based on national law would have an impact worldwide.
- ICANN is obligated to follow applicable national and local laws and policies that give governments rights and responsibilities over geographic names.
- GDPR provides an example of a case where ICANN is making efforts to comply with local law.

Specific laws and legal cases in different jurisdictions were cited by certain Work Track members as evidence that national law applies to the use of geographic names in the DNS.²⁰

²⁰ Work Track members have referenced the following laws and legal cases:

- According to one Work Track member, cities have rights to protect their names under the Article 29 of the Swiss civil code. Provisions prevent the registration of business names and trademarks that solely consist of city names: "1 If a person's use of his or her name is disputed, he or she may apply for a court declaration confirming his rights. 2 If a person is adversely affected because another person is using his or her name, he or she may seek an order prohibiting such use and, if the user is at fault, may bring a claim for damages and, where justified by the nature of the infringement, for satisfaction."
 - One perspective is that this provision does not provide for prior restraint on speech but instead provides a means for settling disputes through the courts.
 - Another perspective is that the law demonstrates that there is a public interest in protecting geographic names that government authorities can pursue.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 Some believe that:

- 2 ● National and local law providing protection for geographic names does not give
3 governments rights beyond those of other stakeholders in the context of the
4 New gTLD Program, including the application process.
5 National and local laws only apply in the jurisdiction where the applicant is

■ A [case](#) based on Article 29 was referenced.

- One Work Track member mentioned a [case](#) regarding the TLD France.com as evidence that governments have rights under national law over the use of geographic names as TLDs.
- One Work Track members shared information about a case from the High court in Italy related to a geographic name: Cass. n. 16022/2000. According to the Work Track member, under Italian law, the elected body (the mayor, the president of the regional council) of the corresponding name may act to protect the interest of the community it represents.
- A Work Track member shared a [link](#) to rules in the UK regarding unacceptable trademarks. The page states that “We cannot guarantee that the name of a company accepted for registration at Companies House is acceptable by us as a registered trade mark. The company name may not qualify as a trade mark because, for example: It may indicate geographical origin.”
- A Work Track member shared [UK rules](#) on what may and may not be a company name. According to the to the Work Track member, a letter of non-objection is required in situations where an entity is effectively representing itself as associated with a region, government department, or regulated profession. UK laws regarding business names do not allow businesses to use a name or term which denotes (or might be confused with or denote) an official authority or body when there is no connection to that body.
 - One Work Track member stated that UK laws regarding use a name or term which denotes (or might be confused with or denote) an official authority or body when there is no connection to that body is not a geographic limitation.
- A Work Track member shared a [link](#) from German case law.
- One Work Track member referenced Article 38 of the Statue of the International Court of Justice as an authoritative codification of International Law sources. Art 38 requires the ICJ to apply: (a) international conventions [treaties] whether general or particular, establishing rules expressly recognized by states; (b) international custom, as evidence of a general practice accepted as law by states; (c) the general principles of law recognized by civilized nations; (d) and in some cases judicial decisions and writings/teachings of the most highly qualified publicists (professors, experts, etc) as subsidiary means for the determination of rules of law. According to this Work Track member, a local rule is an internationally binding norm only if it is also a general principle of law where clear and convincing evidence is provided that a local norm or practice is also a general and consistent practice of states and viewed as legally binding by those states, and thus binding customary law.

1 located, therefore the WT should look to international law as a basis for any
2 recommendations related to geographic names.

- 3 • ~~GDPR~~GDPR is a poor example in this case, as GDPR contains specific
4 extraterritorial effects and, by its terms, applies only to entities outside the EU
5 that process the data of persons located in the EU.

Commented [A45]: GDPR, not GDRP

Commented [A46]: Additional text suggested by Greg Shatan.

Commented [A47R46]: Given that this section simply lists points from one perspective, there will hopefully be no objections to adding the bullet.

6
7 The Work Track discussed the role and applicability of intellectual property law in the
8 context of the New gTLD Program. Some believe that:

- 9
10 • Trademark holders have legitimate interests in a string that corresponds to a
11 brand and is also associated with the name of a city or other geographic location.
12 In order to operate a .brand registry, an applicant must produce a trademark
13 registration certificate which shows consent of at least one government to use
14 that trademark. In this view, an entity with a trademark registration for a term
15 has a right to use that term. From this perspective, the term is used in
16 connection with certain goods and services and has no geographic meaning.
- 17 • Trademarks may evoke positive associations and have "secondary meaning,"
18 which is the association between the mark and the attributes of the source or
19 origin of the products and services. This secondary meaning (or "goodwill") in
20 turn is a key component of the value and strength of the mark.
- 21 • Some marks have long histories and significant value. Marks may be used in
22 many countries and may be known by large numbers of people.
23 ~~From this perspective, under trademark law, trademark assets and rights are~~
24 ~~"owned" and controlled by particular parties.~~
- 25 • ~~Trademark~~Trademark assets and rights are "owned" and controlled by particular
26 parties.
- 27 • The civil code of one country should not take precedence over the trademark
28 code of another country. In this perspective, the narrower, more focused right
29 should take precedence since it is less limiting of others.

Commented [A48]: Greg Shatan: It's not really a consent relationship, but I don't know if or how that matters in this context.

Commented [A49R48]: No edits made, but suggested edits are welcome.

Commented [A50]: Agree with Greg that it's not really a valid certificate – as in not expired. So how about, "...must produce a valid trademark registration certificate issued by at least one government agency to use that trademark."

Commented [A51]: Greg Shatan suggested to remove "From this perspective, under trademark law" and begin the following sentence with a new bullet.

Formatted: Font: (Default) Arial, 11 pt

30
31 Some believe that:

- 32
33 • Trademarks offer a specific right in a specific jurisdiction to use the mark in
34 connection with specific goods and services, and, where that right is infringed, to
35 legally stop another party from imitating a mark or confusing customers.
- 36 • The right is limited and curative in nature. It is focused on consumer protection
37 and prevention of imitations.

- 1 • “Monopolization”²¹ of a city name by private parties is forbidden under laws
2 pertaining to business names and trademark registration in some jurisdictions.
- 3 • Rights granted to geographic locations to protect geographic names are
4 qualitatively different than intellectual property rights. In this view, civil rights
5 are more general in scope and therefore more significant.

6
7 Work Track members discussed the role of public policy in the context of the New gTLD
8 Program. Some believe that:

- 9
10 • ICANN policy is not always based in law. In the 2012 round, there were program
11 elements, rights, and rules that were created for policy reasons that were not
12 explicitly rooted in law, for example Community Priority Evaluation, background
13 screenings, GAC advice, and reserved names at the top level. It is appropriate to
14 provide rights to governments related to geographic names for policy reasons.

15 **f.1.2.4 What is a geographic name for the purposes of the New gTLD Program? Does**
16 **the intended use of the string matter?**
17

18 In the 2012 Applicant Guidebook, there were specific lists provided to define which
19 terms were eligible for special rules. This included a definition of country and territory
20 names that were considered unavailable for delegation, and a definition of geographic
21 names that required governments support or non-objection from relevant governments
22 or public authorities.
23

24 Work Track members had different perspectives on what constitutes a geographic name
25 for the purposes of the New gTLD Program. For example, some believe that:

- 26 • For the purposes of the program, geographic names should be clearly defined in
27 the Applicant Guidebook along with any corresponding rules or requirements for
28 those strings. Any strings not listed in the Applicant Guidebook are not
29 geographic names for the purposes of the program and should have no special
30 rules, requirements or restrictions.
31

32
33 However, some believe in a broader definition that:
34

²¹ One Work Track member stated that this is a term with a specific meaning in antitrust/competition law, and it is not used properly in this context. Note that the point is written as expressed by another Work Track member, and therefore the Initial Report seeks to reflect the point as it was raised.

Commented [A52]: Greg Shatan: This is a term with a specific meaning in antitrust/competition law, and it is not used properly here. Where are we discussing legal rights, we should use legal terms carefully and within their legal meaning.

Commented [A53R52]: Footnote added.

Commented [A54]: How about just “Exclusive use of a city name ...”? If change considered too drastic then I’m fine with the existing footnote.

Commented [A55]: Suggested edit from Greg Shatan: “In this view, these rights are “civil: rights are more general in scope and therefore more significant.”

Commented [A56R55]: Unclear what is being proposed here. Clarification on proposed edit is welcome.

Commented [A57R55]: Agree. Unclear as to meaning.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● A geographic name for the purposes of the New gTLD Program should be any
2 term that has a geographic meaning or connotation according to a government
3 or community associated with that term. Rights, rules, and or requirements
4 should exist to ensure that these interested stakeholders “have a say” in the
5 process for any application of this type.
- 6 ● Some Work Track members suggested that the WT should draw on the Manual
7 for the national standardization of geographical names by United Nations Group
8 of Experts on Geographical Names as a resource. The Manual defines a
9 geographical name as the proper name (a specific word, combination of words,
10 or expression) used consistently in language to refer to a particular place,
11 feature or area having a recognizable identity on the surface of the Earth
- 12 ● Another suggestion was to use the [U.S. Board on Geographic Names](#) as a
13 resource to define what constitutes a geographic name.

14
15 Work Track members discussed whether the intended use of the string, as presented in
16 an application for a TLD, should be taken into consideration in the treatment of the
17 application. In other words, is a string with a geographic connotation in addition to
18 other meanings always a geographic name regardless of the way it is used? Alternately,
19 is it only a geographic name if it is used in association with its geographic meaning? The
20 Work Track discussed that a term corresponding to a geographic location could
21 correspond to the names of other geographic locations, and could also correspond to a
22 generic word or a brand. Numerous specific examples of such strings were discussed.

23 From one perspective, the same rules should apply for terms that correspond to
24 geographic terms, regardless of how the applicant intends to use the string as a TLD.

25 Some believe that:

- 26 ● TLDs are a unique resource. Some Work Track members have contrasted this
27 unique quality of TLDs with the use of names under trademark law. From this
28 perspective, under trademark law, the principles of specialty and of trademark
29 “fair use” apply, according to which it is possible for two brands to register
30 trademarks for the same term in the same jurisdiction, as long as no confusion or

Commented [A58]: Greg Shatan suggested deleting this phrase.

Commented [A59R58]: Instead of editing text that another WT member has submitted, staff has added a footnote.

Commented [A60]: Greg Shatan suggested inserting “they are used for unrelated goods and services and”

Commented [A61R60]: Instead of editing text that another WT member has submitted, staff has added a footnote.

1 infringement pursuant to the law arises.²² In this view, the DNS is different
2 because “parallel use” is not possible. In other words, if a string corresponding to
3 a geographic term is delegated to one party, others who have an interest in that
4 string are prevented from using it, potentially for a significant period of time or
5 permanently.

- 6 ● Even if the intended use is non-geographic, the word still may have geographic
7 connotations, and the applicant may benefit from these geographic associations.
- 8 ● It is important for governments or people associated with a place to be “at the
9 table” for decisions about delegation, regardless of use, because of the unique
10 nature of a TLD and the connotations of the word.
- 11 ● Regardless of the intended use, consumers may be confused about the potential
12 association of a string and a geographic term.
- 13 ● Even where there is no risk of confusion, the same rules should apply due to the
14 unique nature of the string.
- 15 ● It is impractical and challenging to set objective criteria for evaluating intended
16 use in the application process and difficult to enforce distinctions based on
17 intended use.
- 18 ● Obligations included in the contract between ICANN and the registry may have
19 limited impact on what registrants do in practice. Therefore, an applicant may
20 claim that they intend to use a term in a generic manner but the TLD may in
21 practice be used in association with its geographic meaning, possibly without
22 sufficient recourse.

23
24 However, some believe that:

- 25 ● The unique nature of a TLD does not give a government primacy over the use of
26 that TLD.
- 27 ● If a string is being used in a generic or brand context, there is no basis for a
28 support/non-objection mechanism related to the use of that string. The
29 geographic meaning should not prejudice the use of the string in another
30 context.

²² Some Work Track members believe that it would be a more accurate reflection of the law to state: “... under trademark law, it is possible for two brands to register trademarks for the same term in the same jurisdiction for unrelated goods and services, as long as no confusion or 37 infringement pursuant to the law arises.”

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● The Registry Agreement includes the following language: “All material
2 information provided and statements made in the registry TLD application, and
3 statements made in writing during the negotiation of this Agreement, were true
4 and correct in all material respects at the time made, and such information or
5 statements continue to be true and correct in all material respects as of the
6 Effective Date except as otherwise previously disclosed in writing by Registry
7 Operator to ICANN.” This provision provides a possible means for recourse if the
8 applicant misrepresented information in the application.
- 9 ● It should be possible to establish intended use in the application process,
10 especially in the case of .brands. It should be feasible to put in place protections
11 that help to ensure a non-geographic TLD does not mislead end-users or imply
12 that it is an “official” TLD associated with a geographic place. Applicants could
13 make and be held accountable to uphold commitments on how the registry will
14 operate and how names will be allocated. Applicants could also demonstrate a
15 willingness to cancel names which are used in a manner outside the way the
16 registry operator intended.
- 17 ● In the case of .Brands, there are strict contractual qualifications included in
18 Specification 13 of the Registry Agreement. If an applicant wants to keep
19 benefits associated with Specification 13, it needs to abide by the terms of
20 Specification 13. .Brands are not likely to change the use of the TLD because that
21 undermines the qualification for Specification 13.
- 22 ● To the extent that there is risk of confusion, it should be possible to create a
23 standard against which to manage these risks, for example by ensuring that the
24 applicant does not represent that it is endorsed by a city or is the “official” TLD
25 of a city when this is not the case. .Brands operate in such a manner that there
26 should not be any confusion between a brand and TLD that is being operated in
27 a geographic context.

29 **f.1.2.5 What are the key takeaways from the 2012 round for the purposes of future**
30 **policy development and implementation?**

31 The Work Track reflected on positive and negative experiences from the 2012 round,
32 including from the perspective of:

- 33 ● Applicants who applied for terms defined as geographic names in the 2012
34 Applicant Guidebook.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

- Applicants who applied for terms not defined as geographic names in the 2012 Applicant Guidebook but who had negative experiences in the process related to the geographic connotations of the applied-for string.
- Other parties involved in applications associated with either of the two categories above. This includes parties who raised objections to an application, provided support for an application, or otherwise engaged during the course of the application process.

Commented [A62]: Greg Shatan: Suggested adding the word "negative." From Greg: "Experiences" is too vague and does not convey any actual information.

Commented [A63R62]: Edited, as the Work Track did not discuss any positive experiences with respect to this issue.

The Work Track discussed a number of specific examples of cases where some believed that there were issues that need to be addressed in future policy and implementation. In many cases, there were differences of opinion about how the issue should be framed, whether a problem exists, and where there is agreement that a problem exists, how that problem should be defined. This fundamental challenge made it difficult for the group to progress to agreeing on possible solutions to address the problems identified. Nonetheless, some Work Track members proposed solutions to problems they believe exist.

Some of the issues-problems and negative experiences that Work Track members identified from the 2012 round include the following. Some believe that:

Commented [A64]: This list has been updated based on comments from Greg Shatan on page 43.

- There was insufficient predictability, transparency and consistency in ICANN's implementation of the Applicant Guidebook.
- It was not always clear to an applicant if special rules were applicable to a particular string.
- Some applicants found it difficult to determine which relevant government or public authority was the appropriate point of contact for a letter of support or non-objection.
- Some applicants were unable to obtain a timely response when they reached out to a relevant government or public authority to obtain a letter of support or non-objection.
- Governments, public authorities, and other stakeholders are unaware of ICANN and the New gTLD Program, which may make it difficult for them to raise objections and, in the case of governments, respond effectively and quickly to requests for support/non-objection.
- Stakeholders may not be familiar with ICANN and its processes.
- Rules in the 2012 Applicant Guidebook worked poorly for applicants who intended to use a string in association with a meaning other than its geographic meaning. These applicants experienced difficulties, delays, and expenses. From

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

this perspective, requirements to obtain letters of support or non-objection from relevant governments or public authorities imposed an arbitrary and unfair burden without any basis other than coincidence. The inability to delegate and operate these TLDs in a timely manner had negative effects on diversity, innovation, and competition in the TLD space.

- There was a perception that some applicants were required to make concessions to governments to obtain support/non-objection. Other Work Track members strongly opposed this point, stating that there are not facts to support this claim. Some Work Track members suggested that additional facts should be gathered about specific cases. At the time of publication, the Work Track had not undertaken this additional fact finding work.
- Applicants faced challenges in applying for strings that were not included as geographic names in the Applicant Guidebook but were considered to be geographic names by other parties. For example, some applicants experienced what appeared to be a de-facto requirement to obtain support/non-objection for strings not included in the Applicant Guidebook.
- There were cases where an applicant was required to obtain a letter of support/non-objection, the relevant government or public authority did not provide a letter of support/non-objection, and the applicant disagreed with this decision.

Work Track members proposed specific measures to mitigate some of the problems identified. These proposals do not change the underlying program requirements related to specific types of strings. Instead they seek to supplement and improve that status quo, as implemented in the 2012 round.

- Proposal to address the suggested problem that it was not always clear to an applicant if special rules were applicable to a particular string: **Develop an online tool for prospective applicants.** The searchable tool indicates whether a string is eligible for delegation and whether there are issues that require further action (for example obtaining a letter of support or non-objection from relevant governments or public authorities). This could be a stand-alone tool or a function integrated into the application system that flags if a term is geographic and has special requirements/restrictions.
- Proposal to address the suggested problem that some applicants found it difficult to determine which relevant government or public authority was the appropriate point of contact for a letter of support or non-objection: **GAC**

- 1 **members could assist applicants** in identifying which governments and/or public
 2 authorities would be applicable in cases where an applicant must obtain a letter
 3 of government support or non-objection.
- 4 ● Proposal to address the suggested problem that there were cases where an
 5 applicant was required to obtain a letter of support/non-objection, the relevant
 6 government or public authority did not provide a letter of support/non-
 7 objection, and the applicant disagreed with this decision: **If government**
 8 **support/non-objection is required for an application, provide mediation**
 9 **services** to assist if the applicant disagrees with the response received by a
 10 government or public authority.
 - 11 ● Proposal to address the suggested problem that governments, public authorities,
 12 and other stakeholders are unaware of ICANN and the New gTLD Program, which
 13 may make it difficult for them to raise objections and, in the case of
 14 governments, respond effectively and quickly to requests for support/non-
 15 objection: **Establish a program to heighten the awareness** of governments and
 16 others regarding the gTLD program so that they will be more likely to seek or
 17 support a registration for the relevant geographic name. This could be
 18 accompanied by structured support and advice to maximize the opportunities
 19 for future applicants for geographic names.
 - 20 ● Proposal to address the suggested problem that some applicants were unable to
 21 obtain a timely response when they reached out to a relevant government or
 22 public authority to obtain a letter of support or non-objection: **In any**
 23 **circumstance where a letter of support or non-objection is required from a**
 24 **relevant government authority, establish a deadline by which the government**
 25 **must respond to the request.** If no response is received, this is taken as non-
 26 objection.

Benefits	Drawbacks
Some believe that this requirement provides greater predictability for applicants.	Some believe that this may be a burden on governments, particularly governments with limited staffing resources and those who lack knowledge of ICANN or experience with ICANN’s processes.
Some believe that without this type of deadline there is not sufficient motivation for	

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

governments to assign a single point of contact to address issues related to such requests and little incentive to respond in a timely manner.	
--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

Work Track members expressed different perspective on the scope of protections/restrictions from the 2012 round. Some believe that protections/restrictions were too strong, while others felt they were too weak. Work Track members put forward proposals to change the level of protection/restriction in the program overall. For proposals relating to specific categories of strings, please see the relevant sub-sections.

The following proposals were put forward by Work Track members who believe that existing protections/restrictions included in the 2012 Applicant Guidebook should be reduced:

- **Once a gTLD is ~~delegated~~ ~~registered~~ with an intended use that is geographic in nature, all other variations and translations of this term are unconditionally available for ~~registration~~ ~~application by any entity or person~~. **Objection procedures could potentially still apply.****

Commented [A65]: Correction based on comment by Alan Greenberg on 14 Nov.

Commented [A66]: Correction based on comment by Alan Greenberg on 14 Nov.

<u>Benefits</u>	<u>Drawbacks</u>
<p><u>Some believe that this proposal addresses the underlying concern that serves as a basis for the support/non-objection requirement -- that options should be preserved so that someday a public authority or the relevant citizenry (or perhaps, a "supported" private, for-profit company) can eventually apply for and operate a gTLD that matches that geographic term. From this perspective, once any one of the potential options is registered as a gTLD, this reason no longer exists. The place has its gTLD. There's no longer any need to reserve or create requirements for other variations and</u></p>	<p><u>Some believe that in multilingual countries, there is usually no formal hierarchy of language versions of the same geo-name. Thus all versions of a name – at least in official and local languages and scripts – would have to be treated equally. There is likely to be no basis in local law or practice for awarding any priority to any one language version of a particular name.</u></p>

Commented [A67]: Updated based on recent comments on list and on the 14 Nov call.

translations.	
	Some believe that this proposal could encourage gaming, for example an entity could apply for a version of the name in a language that is less commonly used in order to make available other versions and translations.

Commented [A68]: Added based on comment by Alexander Schubert on 14 Nov call

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- **An applicant for a string with geographic meaning must provide notice to each relevant government or public authority that the applicant is applying for the string.** The applicant is not required to obtain a letter of support on non-objection. This proposal relies on curative mechanisms to protect geographic names in contrast with support/non-objection requirements that are preventative in nature. Each government or public authority has a defined opportunity to object based on standards to be established. The right to object expires after a set period of time. Objections are filed through one of the existing objection processes or a variation on an existing process. A set of standards would need to be established to determine what constitutes a relevant government or public authority. This proposal could apply to all or some of the categories of geographic names included in the 2012 Applicant Guidebook.

The following proposals were put forward by Work Track members who believe that existing protections/restrictions included in the 2012 Applicant Guidebook should be increased:

- **If an applicant applies for a string that is confusingly similar to a geographic term that requires a letter of government support or non-objection, the applicant should be required to obtain a letter of government support/non-objection.** As an example, a common misspelling of a geographic name would be considered confusingly similar.
- **At the end of the registry contract period, a government entity has the option of becoming engaged and can add provisions to the contract** that specifies conditions rather than there being an assumption that the contract will be renewed.

Benefits	Drawbacks
-----------------	------------------

Some believe that this proposal would allow for worthwhile private investment for a limited period while also allowing review by any public entity after a period of time if they choose to become involved.

Some believe that this proposal would require TLDs to be incorporated in the local jurisdiction under local law.

- **A TLD associated with geography should be incorporated within the jurisdiction of the relevant government and subject to local law.**

Work Track members discussed positive experiences in the 2012 round, with a focus on “city TLDs” or TLDs for which the applicant intended to use the string in association with its geographic meaning as a city name. Some believe that:

- Rules in the 2012 Applicant Guidebook worked well for these applicants.
- Requirements to obtain letters of support or non-objection from relevant governments or public authorities helped to ensure that subsequent steps in the process were relatively smooth for applicants.
- The delegation and operation of these TLDs had positive effects on geographical, cultural and linguistic diversity of the TLD space.

f.1.1.2.6 Are there alternate methods of consultations or collaborations in the application process that could satisfy all stakeholders?

The Work Track discussed whether there might be circumstances where different stakeholders with different interests could be incentivized to work together to meet the needs of each group. One example of a potential area of collaboration is joint ventures between different applicants with different intended uses for a TLD, for example multiple cities with the same name. Some believe that such joint ventures could:

- Eliminate contention for the string.
- Allow different cities with the same name to share the costs, burdens, and risks.
- Help ensure that there is sufficient demand for second-level registrations.

Some believe that such a model would be impractical to implement.

Work Track members also considered possible tools for governments and applicants to come together and create opportunities for both parties to use the TLD according to their interests. These include:

Commented [A69]: Greg Shatan suggested adding: “Work Track members discussed negative experiences in the 2012 round, with a focus on TLDs for which the applicant intended to use the string in association with a meaning other than its geographic meaning. Some believe that:

- Rules in the 2012 Applicant Guidebook worked poorly for these applicants.
- Requirements to obtain letters of support or non-objection from relevant governments or public authorities imposed an arbitrary and unfair burden without any basis other than coincidence. These requirement created great difficulties, delays and expense for these applicants.
- The inability to timely delegate and operation these TLDs had negative effects on diversity, innovation and competition in the TLD space.”

Commented [A70R69]: Greg Shatan comment: There needs to be a parallel statement to the one above.

Commented [A71R69]: Incorporated into the list of problems identified on page 38.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

- Agreements to allow the use of second level strings (or the reservation of second level strings) where there is an inherent association with the government or local community.
- For brand TLDs, there is a requirement currently that all registrations be registered to the brands (or their affiliates / licensees) in order to maintain their Specification 13 protections. An exception could be granted for ones that coincide with a geographic string where certain second level strings that are inherently geographic can be registered by others.

Work Track members asked if there might be alternatives to the support/non-objection requirement that would bring applicants, governments, and other parties “to the table” to express and address concerns. No specific proposals were put forward in this regard.

f.1.3 PRINCIPLES AND VALUES

The Work Track discussed potential principles that may be used to guide the development of future policy on geographic names. The principles were discussed in the context of city names (see section [f.2.3.2](#)) and additional types of terms not included in the 2012 Application Guidebook (see section [f.2.4](#)), but they may be applicable more broadly. Proposed principles include:

- In alignment with [Principle C](#) from the 2007 GNSO recommendations on new gTLDs, the program should allow for the introduction of new gTLDs.
- In alignment with [Principle A](#) from the 2007 GNSO recommendations on new gTLDs, enhance the predictability for all parties.
- Reduce the likelihood of conflicts within the process, as well as after the process concludes and TLDs are delegated.
- Policies and processes should be simple to the extent possible.

Work Track members discussed the applicability of national and international law in the discussion of principles. Perspectives on this issue are summarized in section [f.1.2.3](#). The Work Track also considered additional values that may be taken into account in considering policy options for subsequent procedures. These include competition and consumer choice,²³ security and stability, and transparency.

²³ The New gTLD Subsequent Procedures PDP Working Group and Work Track 5 will take into account recommendations from the Competition, Consumer Trust, and Consumer Choice Review Team as applicable.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1
2 Work Track members expressed different opinions about how to bring policy in line with
3 these principles. For example, some believe that the best way to achieve predictability is
4 to apply the support/non-objection mechanism more broadly as a means to reduce
5 conflicts later in the application process or after delegation. Others believe that the best
6 way to ensure predictability is to have clear, transparent criteria that apply to all
7 applications, to evaluate applications and objections based on objective standards, and
8 to clarify in the Applicant Guidebook that, where a string is not listed as a geographic
9 term, public authorities do not have the right to prevent an application from moving
10 forward.

11
12 Similarly, Work Track members did not reach agreement about how these principles and
13 values may be weighed against one another in cases where they come in conflict. For
14 example, some Work Track members felt that the principle of simplicity should be
15 considered a key principle in evaluating all possible solutions, while others felt that the
16 objective of simplicity should be balanced against other program objectives and the
17 needs of different stakeholders in the process.

18 19 **f.2 PART II - CATEGORIES OF STRINGS INCLUDED IN THE 2012 APPLICANT** 20 **GUIDEBOOK**

21 22 **f.2.1 TWO-LETTER ASCII STRINGS**

23 The 2012 Applicant Guidebook specified that two-character²⁴ ASCII strings were not
24 permitted to be delegated, which was consistent with recommendations of the
25 Reserved Names Working Group referenced in the 2007 Policy. This included
26 combinations of two letters (for example .yz), combinations of two digits (for example
27 .12), and combinations of a letter and a digit (for example .a1 or .1a). The Work Track
28 noted that Work Track 2 of the New gTLD Subsequent Procedures PDP Working Group is
29 considering single letter and single digit combinations. Members generally agreed that
30 two-character codes containing digits are not geographic names and therefore focused
31 on letter-letter combinations.

32 With respect to letter-digit combinations, some Work Track members believe that:

- 33 ● If letter-digit combinations are available in subsequent procedures, there may be
34 a risk of confusion between certain letter-digit combinations and confusingly
35 similar letter-letter combinations (for example .IO and .IO).

²⁴ The term “character” refers to either a single letter (for example “a”) or a single digit (for example “1”).

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

Some believe that:

- In the 2012 round, string similarity processes took into account all existing TLDs, including ccTLDs. If future processes work in the same manner, risk of similarity will be addressed through these processes.

This issue will be explored further by the full Working Group as it considers public comments on the full Working Group’s Initial Report.

Different perspectives were raised about the treatment of two-letter ASCII strings. Some Work Track members identified benefits to maintaining current treatment contained in the 2012 Applicant Guidebook. Specifically, some believe that:

- There is a longstanding association between two-character ASCII letter-letter combinations and ccTLDs, which is rooted in early Internet Engineering Task Force (IETF) Requests for Comments (RFCs).
- The current AGB rules restricting two-character ASCII letter-letter combinations as gTLDs has helped to make a clear distinction between the ccTLD space and the gTLD space.
- Reliance on the ISO 3166 Part 1 list of alpha-2 codes as a basis for two-letter country codes has historically worked well and offers a predictable system to use as a point of reference.
- Two-letter combinations are available in case new entries are added to the ISO 3166 Part 1 list of alpha-2 codes and new countries are established that want a ccTLD. According to RFC 1591, the IANA is not in the business of deciding what is and what is not a country.
- End users can see a clear distinction between ccTLDs and gTLDs, which may help to avoid confusion between the two.
- Provides an objective, consistent rule that is easy to apply.
- Is consistent with preliminary outcomes of the Cross-Community Working Group of Use of Country and Territory Names as TLDs. The CCWG reached preliminary consensus in support of maintaining the 2012 treatment for two-character ASCII strings.²⁵

Commented [A72]: Spell out?

²⁵ <https://ccnso.icann.org/sites/default/files/field-attached/ccwg-ctn-final-paper-15jun17-en.pdf>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

- 1 Work Track members also identified drawbacks to maintaining treatment in the 2012
2 Applicant Guidebook. Some believe that:
- 3 ● There is a possibility of opportunities lost in the gTLD space, although these are
4 difficult to assess.
 - 5 ● The distinction between ccTLDs being two-characters and gTLDs being three or
6 more characters is meaningless and unnecessary.
 - 7 ● Some ccTLDs essentially operate as gTLDs without the restrictions associated
8 with gTLDs, blurring the distinction between ccTLDs and gTLDs. TLDs are taking
9 advantage of the assumption that all 2-letter TLDs are ccTLDs. It does not make
10 sense to say that 2-letter strings should be reserved for countries when some
11 ccTLDs are not operating in a manner consistent with this approach.
 - 12 ○ Others believe that in most cases ccTLD operators are not-for-profit
13 organizations that work to improve their local Internet ecosystems, give
14 back to their country and represent their country's name in the best
15 possible way.
 - 16 ● Some ccTLD managers also operate gTLDs, further blurring the distinction
17 between ccTLDs and gTLDs.

18
19 There was no clear agreement to change the terms included in the 2012 Applicant
20 Guidebook. Therefore, the Work Track is putting forward a preliminary
21 recommendation for community feedback to maintain reservation of two-letter ASCII
22 strings, consistent with provisions in the 2012 Applicant Guidebook.

23 **f.2.2 COUNTRY AND TERRITORY NAMES**

24 As described in section **a**, no reserved geographic names were anticipated in the 2007
25 Policy. The 2012 Applicant Guidebook diverges from the policy and lists seven categories
26 of country and territory names that were reserved and unavailable for delegation (see
27 section **b** for a list of these categories). The Work Track discussed, in general, the
28 reservation of country and territory names on this list, as well as issues related to
29 specific categories of country and territory names.

30 **f.2.2.1 Themes**

31 **f.2.2.1.1 Delegation of Country and Territory Names**

32 As an overarching issue applying to country and territory names, there are different
33 opinions about whether these strings should be available for delegation, and if they
34 should be delegated, which parties should be eligible to apply. Some believe that these

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 strings should be widely available for delegation to different parties. Some believe they
2 should simply remain reserved. Some believe that countries should have an exclusive
3 opportunity to apply for their country and territory names. Among those who support
4 delegation of these strings to countries and territories exclusively, there are different
5 perspectives about how this delegation should occur. Some believe that:

- 6 ● These names should not be delegated through the New gTLD process.
- 7 ● Delegation of country and territory names should only occur through local policy
8 authorities.
- 9 ● These strings should be delegated as something other than a gTLD, for example a
10 ccTLD or a new category of TLD.

11
12 Some believe that:

- 13 ● Moving delegation of these strings to local authorities is inconsistent with the
14 objective to provide clarity, certainty, predictability, and fairness for applicants.
- 15 ● If these strings are delegated, the delegation should occur through the New gTLD
16 Program.

17
18 There are different perspectives in the Work Track about whether it is within the scope
19 of Work Track 5 to answer broad questions about which specific entities can apply for
20 country and territory names and how these TLDs may be treated (for instance, as a
21 gTLD, a ccTLD or something else). It has been suggested that this topic should be
22 deferred to another ICANN process or vehicle created to specifically to address this
23 topic.

24 **f.2.2.1.2 Reservation of Translations “In Any Language”**

25 In the 2012 Applicant Guidebook, a string was considered unavailable if it was a
26 translation **in any language** of the following categories of country and territory names:
27

- 28 ● long-form name listed in the ISO 3166-1 standard.
- 29 ● short-form name listed in the ISO 3166-1 standard.
- 30 ● separable component of a country name designated on the “Separable Country
31 Names List.”

32
33 Some Work Track members raised points in support of maintaining the “in any
34 language” standard. Some believe that:
35

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● This provision should remain in place unless there is a factual basis for limiting
- 2 the languages covered in this provision.
- 3 ● Many languages may be spoken by and relevant to communities within a given
- 4 country, and the list should therefore not be limited.
- 5 ● To reduce uncertainty, ICANN could produce an exhaustive list of all translations
- 6 in all languages.

7
8 Some Work Track members raised points against maintaining the “in any language”
9 standard. Some believe that:

- 10 ● The provision is overbroad, results in a very large number of reserved strings,
- 11 and does not provide a clear, objective, and finite list that can be used as
- 12 reference.
- 13 ● It is not predictable or transparent.
- 14 ● It contradicts the overarching policy concept that reserving strings should be
- 15 done conservatively and must be based on an underlying policy justification.
- 16 ● Some languages are spoken by very few people, therefore reserving
- 17 representations in all languages may not be appropriate.

18
19
20 In developing recommendations for future treatment of country and territory names,
21 the Work Track has considered several alternatives related to translation:

- 22 ● continue to reserve as unavailable translations in any language
- 23 ○ Variant: “in any script”
- 24 ● reserve as unavailable translations in UN languages
- 25 ○ Variants: “including but not limited to official UN languages,” UN
- 26 languages plus Portuguese
- 27 ○ Points in support: clear, finite list
- 28 ○ Points against: official UN languages are not necessarily the most
- 29 important languages in many countries
- 30 ● reserve as unavailable translations in official languages of the country
- 31 ○ Points in support: [Working Paper 54](#) of the UN Group of Experts on
- 32 Geographical Names (UNGEGN) could be used as a starting point for this
- 33 list, [Expanded Graded Intergenerational Disruption Scale and](#)
- 34 [categorization based on Official Recognition](#) could be used as a starting
- 35 point for this list
- 36

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 o Points against: difficult to identify the official languages of each country,
2 some countries may not have official languages, administrations in many
3 countries use languages that are not official, people of the country also
4 use languages that may not be official but are important to specific
5 communities
- 6 ● reserve as unavailable translations in UN languages and the official languages of
7 the country
- 8 o See above for relevant points in support and against
- 9 ● reserve as unavailable translations in official and commonly used languages
- 10 o Points in support: this category would cover languages used by people in
11 the country that are important to specific communities
- 12 o Points against: This is not a category with clear boundaries or definition
- 13 ● reserve as unavailable translations in official and relevant national, regional, and
14 community languages
- 15 o Points in support: this category would cover languages used by people in
16 the country that are important to specific communities
- 17 o Points against: This is not a category with clear boundaries or definition
- 18 ● reserve as unavailable translations in “principal languages” where the principal
19 languages are the official or de facto national languages and the statutory or de
20 facto provincial languages of that country
- 21 o Points in support: this category address some of the concerns raised
22 about the limitations of “official languages,” draws on existing
23 categorization from ethnologue.com
- 24 o Points against: Additional work would be needed to ensure this category
25 has clear boundaries
- 26 ● a combination of two or more categories above

27
28 The Work Track welcomes community feedback on these alternatives. Please see
29 section [e](#) for a specific question for community feedback on this topic.

30 **f.2.2.2 Alpha-3 code listed in the ISO 3166-1 standard**

31
32 The Work Track considered that the Cross-Community Working Group on Use of
33 Country and Territory Names (CWG-UCTN) discussed extensively the treatment of
34 alpha-3 codes listed on the ISO 3166 Part 1 standard. An analysis of the different

Commented [A73]: Edits to this subsection reflect comments from Greg Shatan on recommendation 3.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 positions on this issue is available in the CWG-UCTN Final Report.²⁶ The Work Track
2 noted that the CWG-UCTN was unable to reach consensus on the future treatment of
3 these strings.

4 Work Track members raised points in support of continuing to reserve alpha-3 codes
5 listed on the ISO 3166 Part 1 standard. Some believe:

- 6 ● This has historically been a challenging issue for the ICANN community to resolve
7 and absent evidence that a different approach is supported, the 2012 Applicant
8 Guidebook treatment should apply.
- 9 ● Avoids potential end user confusion related to the geographic connotations of
10 these codes.
- 11 ● Allows countries to protect codes with which many nations identify strongly.
- 12 ● Only reserves a small subset of all possible combinations of three letters, leaving
13 plenty of opportunity for applicants to apply for other available strings that are
14 comprised of three letters.

15
16 Work Track members raised points against continuing to reserve alpha-3 codes listed on
17 the ISO 3166 Part 1 standard. Some believe:

- 18 ● There is no clear historical justification for maintaining reservation of these
19 strings. Absent such a justification, these strings should be available for
20 delegation.
- 21 ● There is no clear justification to the assertion that governments “own” these
22 strings. COM is the alpha-3 code for Comoros according to the ISO 3166 Part 1
23 standard, but .com was delegated long ago, indicating that there is not an
24 established practice of governments “owning” alpha-3 codes listed on the ISO
25 3166 Part 1 standard. These codes are not ccTLDs.
- 26 ● There are potential missed opportunities for gTLDs comprised of three letters,
27 including common nouns in English and other languages, as well as popular or
28 technical abbreviations. Examples include .and, .are, .arm, .bel, .ben, .bra, .brb,
29 .can, .che, .cod, .cog, .cub, .dom, .esp, .fin, .fro, .geo, .gin, .gum, .guy, .hum, .idn,
30 .iot, .irk, .jam, .kir, .lie, .lux, .mac, .nic, .nor, .pan, .per, .pry, .qat, .sau, .sur, .ton,
31 .tun, and .vat.

²⁶ <https://ccnso.icann.org/sites/default/files/field-attached/ccwg-ctn-final-paper-15jun17-en.pdf>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- There is no opportunity for an applicant supported by the relevant country to move forward with an application.

The Work Track discussed the issue of whether alpha-3 codes listed on the ISO 3166 Part 1 standard should be delegated exclusively to governments, ccTLD managers, and public interest entities. Some believe that:

- Governments, ccTLD managers, and public interest entities have a strong association with these strings and should have the opportunity to use them.

Some believe that:

- There is no "tradition" of or technological reason for alpha-3 codes on the ISO 3166 Part 1 standard being used for top level domain names connected with the related countries and territories, and therefore there is no reason to exclusively delegate them to governments, ccTLD managers, and public interest entities.
- There are three letter strings that correspond to ISO three-letter codes but also have a generic meaning. The future use of these strings should not be determined by countries when other uses are possible.

The following additional proposals have been put forward by Work Track members with respect to this category:

- Delegate these strings as gTLDs with the requirement of government support/non-objection until a future process is designed specifically for the delegation of three-character codes.
- Delegate these strings as gTLDs with the requirement of government support/non-objection only in cases where the applicant intends to use the TLD relates to the geographic meaning of the term. For all other cases, the TLD should be available with no letter of support/non-objection.
- The ISO should not be the source of 3-character strings used by ICANN to identify geographic names.

Commented [A74]: There is something wrong with this phrase

There was no clear agreement to change the terms included in the 2012 Applicant Guidebook. Therefore, the Work Track is putting forward a preliminary recommendation for community feedback to maintain reservation alpha-3 codes listed

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 on the ISO 3166 Part 1 standard, consistent with provisions in the 2012 Applicant
2 Guidebook.

3 **f.2.2.3 Short-form or Long-form name listed in the ISO 3166-standard, or a translation**
4 **of the short-form or long-form name in any language**

5 Work Track members raised points in support of continuing to reserve short-form and
6 long-form names listed in the ISO 3166-1 standard. Some believe that:

7 ● The ISO list provided an easy, predictable, and objective standard to follow.
8 Work Track members raised points against continuing to reserve short-form and long-
9 form names listed in the ISO 3166-1 standard. Some believe:

- 10 ● There are potential missed opportunities for gTLDs.
11 ● There is no opportunity for an applicant supported by the relevant country to
12 move forward with an application.

13 For discussion of provisions reserving translations “in any language,” including points in
14 support and against, as well as alternatives proposed, please see section **f.2.2.1.2**. For
15 discussion about the delegation of country and territory names to governments, please
16 see section **f.2.2.1.1**.

17 There was no clear agreement to change the terms included in the 2012 Applicant
18 Guidebook. Therefore, the Work Track is putting forward a preliminary
19 recommendation for community feedback to maintain reservation of short-form and
20 long-form name listed in the ISO 3166-standard, consistent with provisions in the 2012
21 Applicant Guidebook. It is not making a preliminary recommendation at this time
22 regarding translations of these names and is instead seeking community input.

23 **f.2.2.4 Short- or long-form name association with a code that has been designated as**
24 **"exceptionally reserved" by the ISO 3166 Maintenance Agency**

25 The Work Track discussed points in support of and against continuing to reserve names
26 in this category. Work Track members noted that these are similar to benefits and
27 drawbacks identified for short-form and long-form names listed in the ISO 3166 Part 1
28 standard.

29 One Work Track member raised the following points about exceptionally reserved
30 codes:

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- They are not officially reserved code points, although data about these codes is available at the ISO's Online Browsing Platform,²⁷ and the definition of "exceptional reservations" is included in the current standard, (ISO 3166-1:2013(E/F)) Section 7.5, Reservation of Code Elements.
- The list may be out of date.
- Not all exceptionally reserved codes have a short and long form name associated with them.
- Some exceptionally reserved codes do not refer to a country or territory (for example "UN" for United Nations).
- Some places may have more than one code associated with their name, for example Tristan da Cunha has both an assigned 2-letter code (SH) and an exceptionally reserved code (TA).

One Work Track member also noted that because these names are reserved, they are not available for use for entities or places associated with those names.

Work Track members noted that while there may be certain inconsistencies and outliers associated with this category, it is a relatively small list of names, and no problem has been identified that urgently needs to be resolved.

Commented [A75]: Added to reflect recent conversation on the mailing list and on the 14 Nov call.

There was no clear agreement to change the terms included in the 2012 Applicant Guidebook. Therefore, the Work Track is putting forward a preliminary recommendation for community feedback to maintain reservation of short- and long-form names association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency, consistent with provisions in the 2012 Applicant Guidebook.

f.2.2.5 Separable component of a country name designated on the "Separable Country Name List", or is a translation of a name appearing on the list, in any language

The Work Track discussed points in support of and against continuing to reserve names in this category. Work Track members noted that these are similar to benefits and drawbacks identified for short-form and long-form names listed in the ISO 3166-1 standard.

For discussion of provisions reserving translations "in any language," including points in support and against, as well as alternatives proposed, please see section **f.2.2.1.2**.

There was no clear agreement to change the terms included in the 2012 Applicant Guidebook. Therefore, the Work Track is putting forward a preliminary

²⁷ The decoding table is available at <https://www.iso.org/obp/ui/#iso:pub:PUB500001:en>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 recommendation for community feedback to maintain reservation of separable
2 components of a country name designated on the "Separable Country Name List,"
3 consistent with provisions in the 2012 Applicant Guidebook. It is not making a
4 preliminary recommendation at this time regarding translations of these names and is
5 instead seeking community input.

6 **f.2.2.6 Permutation or transposition**

7 Work Track members raised several concerns about provisions related to permutations
8 and transpositions of country and territory names in the Applicant Guidebook.
9 According to the Applicant Guidebook, a string is reserved if "it is a permutation or
10 transposition of any of the names included in items (i) through (v).²⁸ Permutations
11 include removal of spaces, insertion of punctuation, and addition or removal of
12 grammatical articles like "the." A transposition is considered a change in the sequence
13 of the long or short-form name, for example, "RepublicCzech" or "IslandsCayman"."

14 Work Track members expressed that it is unclear from this text whether reservation of
15 transpositions applied to categories of country and territory names beyond short-form
16 and long-form names. There was general agreement that intent of the text was that
17 only transpositions of short-form and long-form names were reserved but
18 transpositions of other forms of country and territory names were permitted. However,
19 Work Track members pointed out that the text could also be interpreted to mean that
20 transpositions of three-letter codes and other forms of country and territory names
21 were also reserved. Work Track members further noted that because this provision does
22 not reference a specific list, it may not be clear to applicants and other stakeholders
23 which strings are covered by this provision.

24 Work Track members raised points in support of continuing to reserve names in this
25 category. Some believe that:

- 26 ● Absent a clear reason to eliminate this category, existing provisions should stay
27 in place.

²⁸ In the 2012 Applicant Guidebook, items (i) through (v) referred to: (i) it is an alpha-3 code listed in the ISO 3166-1 standard. (ii) it is a long-form name listed in the ISO 3166-1 standard, or a translation of the long-form name in any language. (iii) it is a short-form name listed in the ISO 3166-1 standard, or a translation of the short-form name in any language. (iv) 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. (v) 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.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 • Examples of transposition used in the Applicant Guidebook “RepublicCzech” and
2 “IslandsCayman” and similar strings are unlikely to be of interest as TLDs,
3 therefore there is little harm in reserving the strings.

4 Work Track members raised points against continuing to reserve names in this category.
5 Some believe that:

6 • The examples used in the Applicant Guidebook related to transposition,
7 “RepublicCzech” and “IslandsCayman” do not appear to be terms that anyone
8 would use. The group should consider removing this provision unless there is
9 documented problem that it seeks to solve.

10 The following additional proposals have been put forward by Work Track members with
11 respect to this category:

12 • Individual governments should be asked which permutations should be reserved
13 in connection with a corresponding country or territory name.

14 The Work Track is putting forward a preliminary recommendation for community
15 feedback to maintain reservation of permutations and transpositions but clarify that
16 only permutations and transpositions of the following strings are reserved:

- 17 • long-form name listed in the ISO 3166-1 standard.
- 18 • short-form name listed in the ISO 3166-1 standard.
- 19 • short- or long-form name association with a code that has been designated as
20 “exceptionally reserved” by the ISO 3166 Maintenance Agency.
- 21 • separable component of a country name designated on the “Separable Country
22 Names List.” This list is included as an appendix to the 2012 Applicant
23 Guidebook.

24

25 Permutations and transpositions of alpha-3 code listed in the ISO 3166-1 standard
26 should be allowed. This recommendation would result in a revision to 2012 Applicant
27 Guidebook section 2.2.1.4.1.vi.

28

29 **f.2.2.7 A name by which a country is commonly known, as demonstrated by evidence**
30 **that the country is recognized by that name by an intergovernmental or treaty**
31 **organization**

32 Work Track members raised points in support of continuing to reserve names in this
33 category. Some believe that:

34 • There is some level of predictability associated with this provision because there
35 are specific sources of these terms.

Commented [A76]: See: Page 18

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 Work Track members raised points against continuing to reserve names in this category.
2 Some believe that:

- 3 ● There are potential missed opportunities for gTLDs.
- 4 ● Work Track members expressed some level of uncertainty about what may or
5 may not be included in this category, indicating that in practice this provision
6 may not be clear for applicants and other stakeholders.
- 7 ● There is no opportunity for an applicant supported by the relevant country to
8 move forward with an application.

9 The following additional proposals have been put forward by Work Track members with
10 respect to this category:

- 11 ● As long as a country can provide substantial evidence that the country is
12 recognized by a name, the term should be included under this category.
- 13 ● Add translations “in any language” to this provision.

14
15 There was no clear agreement to change the terms included in the 2012 Applicant
16 Guidebook. Therefore, the Work Track is putting forward a preliminary
17 recommendation for community feedback to maintain reservation of names by which a
18 country is commonly known, as demonstrated by evidence that the country is
19 recognized by that name by an intergovernmental or treaty organization, consistent
20 with provisions in the 2012 Applicant Guidebook.

21 **f.2.3 GEOGRAPHIC NAMES REQUIRING GOVERNMENT SUPPORT FROM THE 2012** 22 **APPLICANT GUIDEBOOK**

23 The Work Track discussed points in support of and against provisions requiring a letter
24 of support or non-objection from government authorities for certain types of strings.

25 Some Work Track members raised points in support of either maintaining the
26 support/non-objection standard or expanding the standard. Some believe:

- 27 ● The mechanism worked well for different groups in the 2012 round.
- 28 ● The 2012 Applicant Guidebook provisions represent a compromise position in
29 which different parties found a middle ground.
- 30 ● It is the role of governments to protect the public interest, and this mechanism
31 allows government to protect the public interest and the interest of
32 residents/communities.
- 33 ● Public authorities act under applicable laws and are accountable according to
34 their legal systems and these rules allows them to act on these responsibilities.
35

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● These rules are consistent with a government’s rights and responsibilities under
2 national and local law and public policy.
- 3 ● A TLD is a unique resource. Even if a string is being used for a non-geographic
4 purpose, there may be political, historical, economic, religious, and/or social
5 connotations for the populations and communities affected. This process allows
6 governments to act on those concerns. Even if the applicant intends to use the
7 string in a way that is not directly associated with the place, they may still
8 benefit from positive connotations associated with the name of the place.
- 9 ● Provides flexibility for different solutions. Some governments may have a
10 “laissez-faire” approach. Other governments may end up participating in
11 governance of the string or pursuing joint initiatives with applicants and other
12 parties. It is therefore respectful of different legal, cultural and policy
13 approaches, without imposing one single solution to all.
- 14 ● Governments do not need to actively monitor the application process to
15 determine whether ICANN is reviewing an application that the government may
16 consider relevant. The mechanism fairly puts the burden on the applicant to
17 reach out to the relevant public authorities, which, especially in the case of
18 developing countries, may be unaware of ICANN and may lack the resources to
19 actively monitor ICANN’s activities.
- 20 ● Applicants have a more predictable process. By engaging with governments early
21 in the process, they become aware early of any opposition by governments and
22 therefore prevent conflicts between interested parties.
- 23 ● The requirement is a way to promote cooperation between different parties
24 that have an interest in the string.
- 25 ● An open market for these TLDs absent support/non-objection requirements is
26 not sustainable.
- 27 ● This mechanism is consistent with ICANN’s obligation to act in conformity with
28 applicable local law.
- 29 ● This mechanism is a flexible instrument that allows applications from any kind of
30 interested applicant, including businesses, brands, and communities.

31
32 Some Work Track members raised points supporting elimination of the support/non-
33 objection standard or reduction of its scope. Some believe:

- 34 ● The 2012 Applicant Guidebook only represents a compromise between the GAC
35 and ICANN staff and therefore does not represent the needs and interests of all
36 parts of the ICANN community.
37

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 ● These requirements create financial and logistical burdens for applicants and a
- 2 lack of predictability. It may be difficult for applicants to determine where to
- 3 seek consent from governments.
- 4 ● Support/non-objection mechanism may cause rent-seeking and distort markets.
- 5 ● This process does not sufficiently take into account the rights of intellectual
- 6 property rights holders.
- 7 ● It is beneficial for there to be more TLDs, and ICANN should eliminate
- 8 unnecessary barriers to establishing new TLDs absent evidence of harm.
- 9 ● Governments do not have a legal basis for claiming the right to provide
- 10 support/non-objection. National law and local law on the protection of
- 11 geographic names is only applicable within the country in which the law exists. If
- 12 there is a relevant local or national law, it should be enforced by the applicable
- 13 government, not by ICANN.
- 14 ● Governments should not have special rights or privileges absent explicit
- 15 justification under international law.
- 16 ● This process violates the freedom of expression rights of applicants.
- 17 ● There may be legitimate applications that a government opposes and that not all
- 18 government represent the public interest.
- 19 ● Engaging with governments early in the application process may reduce the
- 20 competitive advantage for an applicant and encourage competing applications
- 21 for the same string that might not otherwise have been pursued.
- 22

23 Additional points in support of and against the support/non-objection mechanism are
24 included in the following subsections to the extent that these points are specific to
25 particular category.

26 **f.2.3.1 Capital City Names**

27 For capital city names, there is divergence between the 2007 Policy and Implementation
28 in the 2012 Applicant Guidebook. The 2007 Policy anticipated that these strings would
29 be available without any special requirements and did not mention a provision requiring
30 support/non-objection.²⁹ The 2012 Applicant Guidebook required support/non-

²⁹ Work Track members recalled in discussions about the 2007 Policy that Recommendation 20 in the 2007 Policy stated: “An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 objection from relevant governments or public authorities for an application for any
2 string that is a representation, **in any language**, of the capital city name of any country
3 or territory listed in the ISO 3166-1 standard.

4 In considering positions in support of and against maintaining the current treatment,
5 Work Track members raised arguments that relate more broadly to discussions of
6 geographic names. These include the applicability of and relevance of law and public
7 policy, the issue of whether the intended use of the TLD matters. These issues are
8 covered in greater depth in section **f.1** of the deliberations section.

9 The Work Track considered that rules for capital city names applied to representations
10 “in any language.” Some Work Track members raised points in support of maintaining
11 the “in any language” standard. Some believe that:

- 12 ● This provision should remain in place unless there is a factual basis for limiting
13 the languages covered in this provision.
- 14 ● Many languages may be spoken by and relevant to communities within a given
15 country, and the list should therefore not be limited.
- 16 ● To reduce uncertainty, ICANN could produce an exhaustive list of all translations
17 in all languages.

18

19 Some Work Track members raised points against maintaining the “in any language”
20 standard. Some believe:

21

- 22 ● The provision is overbroad, results in a very large number of strings with
23 additional requirements, and does not provide a clear, objective, and finite list
24 that can be used as reference.
- 25 ● It is not predictable or transparent.
- 26 ● It contradicts the overarching policy concept that special rules must be based on
27 an underlying policy justification.

implicitly targeted.” In comments, Work Track members also flagged text accompanying
Recommendation 5 of the Final Report - Introduction of New Generic Top-Level Domains.
Recommendation 5 states “Strings must not be a reserved word.” The report’s discussion of this
recommendation includes text quoted from the Reserved Names Working Group Final Report:

*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 . . . 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.*

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- Some languages are spoken by very few people, special rules in all languages may not be appropriate.

In developing recommendations for future treatment of capital city names, the Work Track has considered several alternatives related to translation:

- continue the current standard: translations in any language
 - Variant: “in any script”
- translations in UN languages
 - Variants: “including but not limited to official UN languages,” UN languages plus Portuguese
 - Points in support: clear, finite list
 - Points against: official UN languages are not necessarily the most important languages in many countries
- translations in official languages of the country
 - Points in support: [Working Paper 54](#) of the UN Group of Experts on Geographical Names (UNGEGN) could be a starting point for this list, [Expanded Graded Intergenerational Disruption Scale and categorization based on Official Recognition](#) could be used as a starting point for this list
 - Points against: difficult to identify the official languages of each country, some countries may not have official languages, administrations in many countries use languages that are not official, people of the country also use languages that may not be official but are important to specific communities
- translations in UN languages and the official languages of the country
 - See above for relevant points in support and against
- translations in official and commonly used languages
 - Points in support: this category would cover languages used by people in the country that are important to specific communities
 - Points against: This is not a category with clear boundaries or definition
- translations in official and relevant national, regional, and community languages
 - Points in support: this category would cover languages used by people in the country that are important to specific communities
 - Points against: This is not a category with clear boundaries or definition
- translations in “principal languages” where the principal languages are the official or de facto national languages and the statutory or de facto provincial languages of that country

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 o Points in support: this category address some of the concerns raised
- 2 about the limitations of “official languages,” draws on existing
- 3 categorization from ethnologue.com
- 4 o Points against: Additional work would be needed to ensure this category
- 5 has clear boundaries
- 6 ● a combination of two or more categories above

7
8 The Work Track welcomes community feedback on these alternatives. Please see
9 [section e](#) for a specific question for community feedback on this topic.

10
11 The Work Track reviewed the general points in support of and against the use of the ~~the~~
12 support/non-objection requirement in the New gTLD Program. See section [f.2.3](#) for
13 details.

14
15 In addition, Work Track members raised specific points in support of continuing to
16 require support or non-objection for names in this category. Some believe that:

- 17 ● 60+ city TLD applications went forward with support/non-objection and there
- 18 were few cases of objections for such strings in the 2012 round, demonstrating
- 19 that many applications were able to proceed to delegation using this process,
- 20 including a number of capital city names. Some applicants expressed that they
- 21 had a positive experience with the process.
- 22 ● Some Work Track members have expressed that there are a number of success
- 23 stories coming out of the 2012 round using the support/non-objection
- 24 mechanism for capital cities. Examples include .tokyo, .london, .paris, .berlin,
- 25 .amsterdam, .moscow, and .wien. The delegation of these strings had positive
- 26 effects on geographical, cultural and linguistic diversity.
- 27 ● This requirement offers some degree of predictability because the list of capital
- 28 city names is based on an objective standard (ISO 3166-1).

29
30 Work Track members raised specific points against continuing to require support or
31 non-objection for names in this category in some or all cases. Some believe that:

- 32 ● The application/delegation process can take time and city administrations may
- 33 change, which could create unstable conditions for the applicant who is required
- 34 to have government support/non-objection.
- 35 ● If a string is being used in a generic or brand context, there is no harm or risk of
- 36 confusion and therefore support/non-objection process is not necessary in these

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 cases.

2
3 The following proposals have been put forward by Work Track members with respect to
4 this category:

- 5 ● Require support/non-objection only if the applicant intends to use the gTLD for
- 6 purposes associated with the capital city name.
- 7 ● Eliminate support/non-objection requirements.

8
9 There was no clear agreement to change the terms included in the 2012 Applicant
10 Guidebook. Therefore, the Work Track is putting forward a preliminary
11 recommendation for community feedback to continue to consider this category a
12 geographic name requiring government support at the top level. Applications for these
13 strings must be accompanied by documentation of support or non-objection from the
14 relevant governments or public authorities, consistent with provisions in the 2012
15 Applicant Guidebook.

16 **f.2.3.2 Non-Capital City Names**

17 For non-capital city names, there is divergence between the 2007 Policy and
18 Implementation in the 2012 Applicant Guidebook. The 2007 Policy anticipated that
19 these strings would be available without any special requirements and did not mention
20 a provision requiring support/non-objection.³⁰ The 2012 Applicant Guidebook required
21 support/non-objection from relevant governments or public authorities for city names
22 where the applicant declares that it intends to use the gTLD for purposes associated
23 with the city name. Please see section **b** for a full summary of applicable provisions.

³⁰ Work Track members recalled in discussions about the 2007 Policy that Recommendation 20 in the 2007 Policy stated: "An application will be rejected if an expert panel determines that there is substantial opposition to it from a significant portion of the community to which the string may be explicitly or implicitly targeted." In comments, Work Track members also flagged text accompanying Recommendation 5 of the Final Report - Introduction of New Generic Top-Level Domains. Recommendation 5 states "Strings must not be a reserved word." The report's discussion of this recommendation includes text quoted from the Reserved Names Working Group Final Report:

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. . . . 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.

1 The Work Track discussed the implementation of the support/non-objection mechanism
 2 in the 2012 round with respect to non-capital city names. Some Work Track members
 3 identified potential issues with the 2012 implementation of rules for non-capital city
 4 names. Some believe that:

- 5 ● The term “city” was not defined, which could be a source of uncertainty. At the
 6 same time, because support/non-objection was only required if the applicant
 7 intended to operate the TLD for purposes associated with the city name, the
 8 impact of this lack of precision may have been limited. Work Track members
 9 pointed out that there are different definitions of the term “city.”³¹
- 10 ● Some applicants experienced a de-facto requirement to obtain support or non-
 11 objection from a government or public authority for a string they did not intend
 12 to use for purposes associated with a city name.
- 13 ● In the Applicant Guidebook, there was no requirement for applicants to obtain
 14 support/non-objection if the applicant intended to use the string in a generic or
 15 brand context. The cases of .spa and .bar are examples that were cited by Work
 16 Track members. In relation to these examples, some Work Track members
 17 expressed the view that relevant government authorities should be consulted to
 18 get a full and balanced picture of the facts of these cases.
- 19 ● From one perspective, there were challenges in the 2012 round associated with
 20 resolving competing bids for a string associated with a city name, in particular if
 21 multiple applications had support or non-objection from relevant
 22 governments/public authorities. Some Work Track members felt that this may be
 23 any area for future refinement if the support/non-objection mechanism exists in
 24 subsequent procedures.

³¹ The following examples were provided to demonstrate that there are different definitions for the term “city”:

- Black's Law Dictionary: Ill England. An incorporated town or borough which is or has been the see of a bishop. Co. Litt. 10S; 1 Bl. Comm. 114; Cowell. State v. Green, 126 N. C. 103'2, 35 S. E. 4G2. A large town Incorporated with certain privileges. The inhabitants of a city. The citizens. Worcester. In America. A city is a municipal corporation of a larger class, the distinctive feature of whose organization is its government by a chief executive (usually called “mayor”) and a legislative body, composed of representatives of the citizens, (usually called a “council” or “board of aldermen,”) and other officers having special functions. Wight Co. v. Wolff, 112 Ga. 169, 37 S. E. 395.
- [“What is the difference between a city and a town?”](#) (WorldAtlas.com)
- [“City status in the United Kingdom”](#) (Wikipedia)

- Work Track members identified that some stakeholders experienced uncertainty about monitoring and enforcement related to the intended use commitment.
- A single name may be associated with multiple cities. A number of examples were cited by Work Track members. Some Work Track members felt that all cities associated with a name should have the opportunity to provide support/non-objection because they all have a connection with the string, stating that all have the same right to provide input on use of the string. Others favored a requirement for support/non-objection from a city government only if the intended use is in association with that specific city, noting logistical challenges associated with identifying all cities and all relevant governments or public authorities associated with a name.

In considering positions in support of and against maintaining the current treatment, Work Track members raised arguments that relate more broadly to discussions of geographic names. These include the applicability of and relevance of law and public policy, the issue of whether the intended use of the TLD matters. These issues are covered in greater depth in [f.1](#) of the deliberations section.

The Work Track reviewed the general points in support of and against the use of the ~~the~~ support/non-objection requirement in the New gTLD Program. See section [f.2.3](#) for details.

In addition, Work Track members raised specific points in support of continuing the 2012 Applicant Guidebook treatment for this category. Some believe that:

- 60+ city TLD applications went forward with support/non-objection and there were few cases of objections for such strings in the 2012 round, demonstrating that many applications were able to proceed to delegation using this process, including a number of capital city names. Some applicants expressed that they had a positive experience with the process.
- Some Work Track members have expressed that there are a number of success stories coming out of the 2012 round using the support/non-objection mechanism for non-capital cities. Examples include .nyc, .hamburg, .koeln, .boston, .vegas, .miami, .istanbul, .sydney, and .quebec.

In addition, specifically on the issue of city names, some believe that:

- It may be difficult to identify the relevant governments/public authorities associated with a city.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

- The application/delegation process can take time and city administrations may change, which could create unstable conditions for the applicant who is required to have government support/non-objection.

Some members support changing the 2012 requirement so that government support/non-objection is always required, regardless of intended use. Some members support maintaining existing provisions. Some members support removing support/non-objection requirements for this category. Please see sections **f.1.2.3** on law and policy **f.1.2.4** on intended use and **f.2.3** for general arguments in support of and against support/non-objection requirements.

The following proposals have been put forward by Work Track members as possible options for the future treatment of city names that are not capital city names:

- **Maintain provisions included in the 2012 Applicant Guidebook that require applicants to obtain letters of support or non-objection from the relevant governments or public authorities for “An application for a city name, where the applicant declares that it intends to use the gTLD for purposes associated with the city name.”** The requirement applies if: “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name; and (b) The applied-for string is a city name as listed on official city documents.” See the deliberations section of this paper for pros and cons associated with maintaining the treatment included in the 2012 Applicant Guidebook. As with other applications, curative measures available include objections processes, use of Public Interest Commitments, contractual provisions and enforcement, and post-delegation dispute resolution.
 - **Variant 1: Implement provisions to prevent misrepresentation.** Applicants who intend to represent a connection **to** the authority of a non-capital city will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of non-capital city names, protections will be enhanced by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term. This proposal changes the standard for when a letter is needed for non-capital city names from usage associated with the city name to usage intended to represent a connection to the authority of the non-capital city name. This proposal increases contractual requirements and therefore enhances protections for geographic places.

Commented [A77]: “to” was missing

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Benefits of Variant 1	Drawbacks of Variant 1
Some believe that this standard would be more fair and clear to applicants.	Some believe that this proposal only provides protections against specific types of misrepresentations, and does not address other core concerns about the association of the string with the city and its people.

- Variant 2: **Change the text of part (a) describing when support/non-objection applies.** Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) The Geographic Names Panel determines that the foreseeable use of 2nd level domains by registrants will be to a significant degree for purposes associated with the city name.”

Benefits of Variant 2	Drawbacks of Variant 2
Some believe that this will protect against an applicant applying to use the string in a generic manner and later allowing second level registrations related to the city name.	Some believe that this standard would not be sufficiently predictable and clear for applicants.

- Variant 3: **Change the text of part (a) describing when support/non-objection applies.** Change the text “(a) It is clear from applicant statements within the application that the applicant will use the TLD primarily for purposes associated with the city name” to “(a) The applicant is able and will confirm that neither he nor his sales channel will use the TLD as a geographic identifier.”
- **Eliminate preventative protections and focus instead on curative protections.** **All parties may raise issues with an application using objections.** No letters of support or non-objection are required from governments or public authorities. Applicants may include evidence of support in an application. Groups, individuals, and other parties, including governments, may file objections to applications. Objections by all parties must refer to international law, domestic law, ISO standards or other objective measures that are relevant to the applicant and the application. Applicants take responsibility for ensuring that they submit

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 applications which address those points and avoid an objection. Objectors pay to
 2 make the objection and submit any objections within appropriate time frames.
 3 Evaluators take objections into account in the evaluation and may discard
 4 objections. The Work Track has not yet discussed whether this proposals could
 5 rely exclusively on existing objections mechanisms, or if it would require change
 6 to existing objections mechanisms or addition of new objections mechanisms.
 7

Benefits	Drawbacks
Some believe that this process would be more fair and predictable for applicants because it uses objective standards for evaluation.	Some believe that it would be a significant burden on governments, in particular those in developing countries, to monitor which strings are being applied for, especially because many city governments are not aware of ICANN or the new gTLD process.
Some believe that this process does not assume a preventative existing legal right and consider this a benefit.	Some believe that this proposal does not take into account public policy concerns that are not codified in law.
	Some believe that this proposal increases the risks for conflict between interested parties. At the stage of objections, applicants will have invested significantly in their applications and relevant public authorities will not have been sufficiently involved until up that time, which may increase the probability of an objection against the application.
	Some believe that requiring public authority or community group objectors to pay to make an objection creates a substantial financial burden and serves as a significant restriction on the legitimate concerns of third parties regarding the application.
	Some believe that proposal would serve as an impediment to freedom of expression.

8
9

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

- 1 o Relative population of the city: the city is relatively large by population
- 2 compared to other cities in the country or sub-national region, for
- 3 example it is one of the 10 largest cities in a country or 3 largest cities in a
- 4 sub-national region.
- 5 o Percentage of a country’s population: The city holds a certain minimum
- 6 percentage of the country’s population.

8 **WT** members suggested a number of possible sources of data for the
9 development of this list, including:

- 10 • [World’s largest urban areas](#)
- 11 • [United Nations - The world’s cities in 2016](#)
- 12 • [Council of European Municipalities and Regions comments on ICANN’s](#)
- 13 [draft version 3 of the New gTLD Applicant Guidebook](#) (ccre.org)
- 14 • [World Population Review](#)
- 15 • [United Nations DESA/Population Division World Population Prospects](#)
- 16 [2017](#)
- 17 • [UN Statistics Division - Demographic Yearbook 2015](#)
- 18 • [United Nations Data Booklet - The World’s Cities in 2016](#)
- 19 • [Homeland Infrastructure Foundation Level Data \(HIFLD\)](#)
- 20 • List of cities with airports (International Airport Transportation)
- 21 • [GeoNames](#)
- 22 • [United Nations Committee of Experts on Global Geospatial Information](#)
- 23 [Management - Working Group A Core Data](#)
- 24 • [United Nations Committee of Experts on Global Geospatial Information](#)
- 25 [Management - Core Spatial Data Theme ‘Geographical Names’](#)
- 26 [Recommendation for Content](#)
- 27

Commented [A78]: Work Track 5?

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities’ national laws, a requirement in ICANN’s Bylaws.	Some believe that cities do not have internationally recognized rights to their names.
Some believe that by having a single list to use as reference, predictability is increased.	Some believe that larger cities do not inherently have different rights than smaller cities. This is particularly important for smaller countries in which places defined as cities may have 10,000 inhabitants or fewer.

Some believe that it is important for the people associated with a large city to “have a say” in the use of a city name, regardless of whether the applicant for the string intends to use the string in a manner associated with the city.	Some believe that a very small city could have particular cultural and historical significance and be considered more important by some than a larger city with the same name.
For those who believe that it is more important to provide rules for areas with larger population, this approach offers such rules while limiting rules on strings that match smaller (to some, less significant) cities and towns.	Some believe that this type of standard is arbitrary and without sufficient clear basis.
	Some believe that this proposal disadvantages small island nations and/or territories with smaller total populations and smaller cities.
	Some believe that if the applicant intends to use the string in a generic or brand context and not in a geographic context, there should not be a support/non-objection requirement.

1
2
3
4
5
6
7
8
9

- **Each country decides what it considers to be a city within its own country based on national laws and policies. If the country determines that a place fits in the “city” category, the applicant must obtain support/non-objection from the government.** A variant on **proposal 6** proposes that each country designates a set number of cities that they consider to be particularly significant. Cities names on the resulting list are subject to support/non-objection by the relevant governments or public authorities.

Commented [A79]: Which is proposal 6? None are numbered.

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities’ national laws, a requirement in ICANN’s Bylaws.	Some believe that cities do not have internationally recognized rights to their names.

10
11
12

- **Reserve city names that have “global recognition.”** If a city wants apply for a gTLD, it can apply for a string containing the name of the city followed by the

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 applicable country code. This would allow multiple cities with the same name
 2 located in different countries to obtain a gTLD.
 3

Benefits	Drawbacks
Some believe that providing protections is consistent with some cities' national laws, a requirement in ICANN's Bylaws.	The scope of this category is not clearly defined.

- 4 ● **Raise awareness and increase knowledge among potential applicants about the**
 5 **opportunity to apply for TLDs. This proposal does not impact the level of**
 6 **protection/restriction and could supplement any of the above proposals.**
 7
 8

Benefits	Drawbacks
Some believe that this would help to ensure that potential applicants for "city TLDs" can make informed decisions about whether to apply for a string.	There are potential costs associated with awareness raising campaigns.
Some believe that this approach is more consistent with the overall design of the program compared to proposals focused exclusively on reservation and/or support/non-objection.	

9
10
11 **Summary of Proposals - Relative to the 2012 AGB**
12

Proposal	Level of Protection/Restriction	Focus
Maintain 2012 AGB	Status Quo	Preventative and Curative
Variant 1 of maintaining 2012 AGB: Prevent Misrepresentation	Increased in some respects and decreased in other respects	Preventative and Curative
Variant 2 of maintaining 2012 AGB: Edited AGB Text	Increased	Preventative

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18~~

Variant 3 of maintaining 2012 AGB: Edited AGB Text	Increased	Preventative
Focus on Objections Mechanisms	Decreased	Curative
Always Require Support/Non-Objection	Increased	Preventative
Small Cities - First Right to Apply	Increased	Other means/tools
Support/Non-Objection for Large Cities	Increased	Preventative
Each Country Selects Cities Requiring Support/Non-Objection	Increased	Preventative
Reserve Names of "Global Cities"	Increased	Preventative
Raise Awareness	Does not impact level of protection	Other means/tools

1
2 There was no clear agreement to change the terms included in the 2012 Applicant
3 Guidebook. Therefore, the Work Track is putting forward a preliminary
4 recommendation for community feedback to continue to consider this category a
5 geographic name requiring government support at the top level where the applicant
6 declares that it intends to use the gTLD for purposes associated with the city name.
7 Applications for these strings must be accompanied by documentation of support or
8 non-objection from the relevant governments or public authorities, consistent with
9 provisions in the 2012 Applicant Guidebook.

10 **f.2.3.3 Sub-National Place Names, Such as Counties, Provinces, or States Listed in ISO**
11 **3166 Part 2**

12 For strings in this category, there is divergence between the 2007 Policy and
13 Implementation in the 2012 Applicant Guidebook. The 2007 Policy anticipated that
14 these strings would be available without any special requirements and did not mention
15 a provision requiring support/non-objection. The 2012 Applicant Guidebook required
16 support/non-objection from relevant governments or public authorities if a string was

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

1 an exact match of a sub-national place name, such as a county, province, or state listed
2 in ISO 3166 Part 2.

3 Please see section **f.2.3** for general arguments in support of and against the
4 support/non-objection mechanism in general.

5 Specifically in relation to sub-national place names, Work Track members raised points
6 in support of continuing the 2012 Applicant Guidebook treatment for this category.
7 Some believe that:

- 8 ● There is some level of predictability, because there are specific sources of terms.
- 9 ● This approach creates incentives for applicants and relevant authorities to arrive
10 at mutually accepted solutions.

11
12 Specifically in relation to sub-national place names, Work Track members raised points
13 against continuing the 2012 Applicant Guidebook treatment for this category. Some
14 believe that:

- 15 ● There may be tensions between communities associated with regions and the
16 corresponding governments. In this view, a legitimate applicant could be
17 punished or evaluated negatively because a government entity does not agree
18 with the applicant's position or entitlement.
- 19 ● The case of .tata was provided as an example of a string in this category that had
20 challenges in the 2012 round. From one perspective, a large multinational brand
21 needed to obtain support/non-objection from a small province in Morocco that
22 had not expressed interest in establishing a TLD related to that string. For some
23 Work Track members, this is an indication that there is a problem with this
24 provision.
- 25 ● If a string is being used in a generic or brand context, there is no harm or risk of
26 confusion and therefore support/non-objection process is not necessary in these
27 cases.

28
29 The following proposals have been put forward by Work Track members with respect to
30 this category:

- 31 ● Eliminate support/non-objection requirements.
- 32 ● Applicants who intend to represent a connection the authority of a sub-national
33 place will need to provide a letter of support/non-objection. However, if the
34 applicant does not intend to represent a connection to the authority of the

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

1 geographic terms listed above, protections will instead be achieved by inserting
2 contractual requirements into the Registry Agreement that prevent the applicant
3 from misrepresenting their connection or association to the geographic term.

- 4 ● If the string corresponds to a geographic name but the applicant intends to use
5 the string in a generic or brand context, there is no requirement for a letter of
6 support or non-objection from any governments or public authorities.

7
8 There was no clear agreement to change the terms included in the 2012 Applicant
9 Guidebook. Therefore, the Work Track is putting forward a preliminary
10 recommendation for community feedback to continue to consider this category a
11 geographic name requiring government support at the top level, consistent with the
12 2012 Applicant Guidebook.

13 **f.2.3.4 Strings listed as UNESCO Regions³² or Appearing on the “Composition of macro**
14 **geographical (continental) regions, geographical sub-regions, and selected economic**
15 **and other groupings” list³³**

16 For strings in this category, there is divergence between the 2007 Policy and the 2012
17 Applicant Guidebook. The 2007 Policy anticipated that these strings would be available
18 without any special requirements and did not mention a provision requiring
19 support/non-objection. The 2012 Applicant Guidebook required support/non-objection
20 from at least 60% of the respective national governments in the region and no more
21 than one written statement of objection to the application from relevant governments
22 in the region and/or public authorities associated with the continent or the region.

23 Please see section [f.2.3](#) for general arguments in support of and against the
24 support/non-objection mechanism.

25 Specifically in relation to this category, Work Track members raised points in support of
26 continuing the 2012 Applicant Guidebook treatment. Some believe that:

- 27 ● There is some level of predictability, because there are specific sources of terms.
- 28 ● This approach creates incentives for applicants and relevant authorities to arrive
29 at mutually accepted solutions.

³² See <http://www.unesco.org/new/en/unesco/worldwide/>.

³³ See <http://unstats.un.org/unsd/methods/m49/m49regin.htm>.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

Specifically in relation to this category, Work Track members raised points against continuing the 2012 Applicant Guidebook treatment. Some believe that:

- There may be tensions between communities associated with regions and the corresponding governments. In this view, a legitimate applicant could be punished or evaluated negatively because a government entity does not agree with the applicant’s position or entitlement.
- The case of .africa was provided as an example of a string in this category that had challenges in the 2012 round using the support/non-objection process.
- If a string is being used in a generic or brand context, there is no harm or risk of confusion and therefore support/non-objection process is not necessary in these cases.

The following proposals have been put forward by Work Track members with respect to this category:

- Eliminate support/non-objection requirements.
- Applicants who intend to represent a connection the authority of a UNESCO region, or region appearing on the “Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings” list will need to provide a letter of support/non-objection. However, if the applicant does not intend to represent a connection to the authority of the geographic terms listed above, protections will instead be achieved by inserting contractual requirements into the Registry Agreement that prevent the applicant from misrepresenting their connection or association to the geographic term.
- If the string corresponds to a geographic name but the applicant intends to use the string in a generic or brand context, there is no requirement for a letter of support or non-objection from any governments or public authorities.

There was no clear agreement to change the terms included in the 2012 Applicant Guidebook. Therefore, the Work Track is putting forward a preliminary recommendation for community feedback to continue to consider this category a geographic name requiring government support at the top level, consistent with the 2012 Applicant Guidebook.

Note that shortly before publication of the Initial Report, one Work Track member stated that the “Composition of macro geographical (continental) regions, geographical

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 sub-regions, and selected economic and other groupings” list is no longer known by this
2 name, although the old name is sometimes still used. The member further stated that
3 using this title creates an ambiguity, since the list now includes “intermediary regions.”
4 The Work Track member suggested updating the category in the Applicant Guidebook
5 to: “An application for a string listed as a UNESCO region or appearing as a “geographic
6 region,” “sub-region,” “intermediary region” or “other grouping” on the “Standard
7 country or area codes for statistical use” list maintained by the United Nations Statistical
8 Commission and commonly referred to as the M49 standard” and updating the
9 associated link to <https://unstats.un.org/unsd/methodology/m49/>. The Work Track did
10 not have an opportunity to research and discuss this issue extensively prior to
11 publication of the Initial Report, but will do so after publication of the Initial Report. Any
12 necessary updates, if appropriate, will be included in the Final Report.

Commented [A80]: Added based on feedback from Greg Shatan.

f.2.4 ADDITIONAL TYPES OF TERMS NOT INCLUDED IN THE 2012 APPLICANT GUIDEBOOK

15 The Work Track discussed additional categories of strings that were not listed as
16 geographic names in the 2012 Applicant Guidebook. Perspectives on this issue surfaced
17 through conversations on specific applications from the 2012 round. Work Track
18 members referenced examples from the 2012 round where different parties had
19 different perspectives on whether a term was geographic in nature and the resulting
20 process caused uncertainty and costs for parties involved. These include .Thai, .GCC,
21 .PersianGulf, and .Amazon, and .Patagonia. In further discussions, the Work Track tried
22 to identify the issues, if any, that arose in these and other cases in the 2012 round, and
23 attempted to determine if there is a problem that needs to be solved through policy.
24 The Work Track discovered that the definition of the issue can be highly subjective, and
25 therefore it may be difficult to reach agreement on any possible next steps in the
26 discussion.

27
28 Some believe that:

- 29
- 30 ● There were names with geographic meaning that were not covered by the 2012
- 31 Applicant Guidebook definitions and rules and that should be included in the
- 32 Applicant Guidebook as geographic terms in the future.
- 33 ● The issue is that the AGB was not sufficiently clear.
- 34 ● It is desirable to create rules for a greater number of strings, because it will
- 35 create more predictability in the process and reduce conflicts between different
- 36 parties.
- 37

38 Some believe that:

39

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

- 1 ● No additional restrictions or preferences should exist that were not included in
- 2 the 2012 Applicant Guidebook.
- 3 ● The issue in the above referenced cases is one of government overreach. The
- 4 rules in the 2012 Applicant Guidebook were clear.
- 5 ● There is no cause of action and no basis for complaints that were made about
- 6 these applications. From this perspective, the complaints should not have been
- 7 allowed to go forward.
- 8 ● Existing mechanisms, such as objections procedures should be used if there is
- 9 opposition to an application.
- 10 ● Existing measures discussed elsewhere in this report may be leveraged, such as
- 11 .Brands making assurances about the use of the string.

12

13 For those Work Track members who support extending rules or protections to addition
14 types of strings, the following categories of strings were mentioned as candidates for
15 support/non-objection requirements:

16

- 17 ● Geographical features, such as mountains and rivers
- 18 ● Sub-national and regional terms not included in the 2012 AGB
- 19 ● Non-ASCII geographic terms not included in the 2012 AGB
- 20 ● Any term that can be considered geographic in nature

21

22 Two Work Track members stated that currency codes listed in under ISO 4217 should be
23 protected as geographic names, noting the association with the ISO 3166 list and the
24 fact that currencies traditionally correspond to geographic boundaries. A number of
25 other Work Track members responded that they do not view these codes as geographic
26 names, and believe that such codes are therefore out of scope, noting that the broader
27 issue of reserved names is in scope for the full New gTLD Subsequent Procedures PDP
28 Working Group. Work Track members raised that even though currency codes are
29 derived from ISO 3166, they are one step removed from the primary set of geographic
30 names. One member noted that the list of currency codes is dynamic and regularly
31 updated. Members further noted that crypto currencies may not be associated with
32 geography.

33

34 Work Track members raised points in support of establishing rules for additional
35 categories of strings. Some believe that:

36

- 37 ● Groups of people who identify with a place have a right to be “at the table” in
- 38 decisions about the use of an associated term. From this perspective, this right is

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 not limited to the categories of geographic names included in the 2012 Applicant
2 Guidebook.

- 3 ● These rights are particularly important for minority cultures and peoples and
4 indigenous groups associated with a physical place.
- 5 ● It is inappropriate for brands or other groups to use names that belong to a
6 particular group of people.

7
8 Work Track members raised points against establishing rules for additional categories of
9 strings. Some believe that:

- 10
11 ● ICANN's mandate is very narrow. It cannot serve as a "supranational" legislator
12 to "fill in the blanks" that some believe local governments have missed in their
13 legislation to protect indigenous rights.
- 14 ● The best way to ensure predictability is to make sure there are explicit guidelines
15 for applicants and that guidelines, policies, and implementation can be applied
16 to any potential application for any kind of geographic term. Applicants should,
17 as the default, be given a path to success. The default should not grant rights to
18 other parties to block applications.
- 19 ● Groups of people associated with a geographic feature or region should have an
20 opportunity to apply for a corresponding TLD without facing unnecessary
21 financial and logistical hurdles. For example, Australian aboriginal communities
22 may wish to apply for relevant geographic terms to sell art in Australia and
23 internationally.
- 24 ● Objections processes could be used to address cases where a substantial number
25 of people associated with a geographic community opposed an application. The
26 objection would have to be supported by a substantial portion of the geographic
27 community described/implicated by the name and there would need to be a
28 stated public policy reason for the objection.

29
30 In addition the proposed categories discussed above, some Work Track members
31 advocated for special rules or protections for Geographical Indications in subsequent
32 procedures. Other Work Track members opposed this proposal. Some believe that:

- 33
34 ● This is a category with clear boundaries that can be documented, therefore
35 increasing predictability.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

- Geographical Indications are an important component of the economy in many regions, and therefore their protection and use affect the livelihoods of many Internet users.
- Geographic Indications are generally protected by applicable local laws.

Some believe that:

- This category does not have clear boundaries. Protections of geographical indications vary significantly from country to country.
- There is no standard terminology and there are no treaties in relation to Geographical Indications. There is no overall common basis for protection.
- To the extent the Geographical Indications are protected under local law, the protection varies significantly.
- The topic of Geographical Indications is being discussed as a trade issue in many other fora, and has become a sensitive political issue. Individuals and groups with in-depth expertise are currently debating these issues elsewhere. Therefore, Work Track 5 should be very cautious about attempting to address this issue.

In conversations about potential additional categories of strings, Work Track members discussed scope and applicability of law. Please see section **f.1.2.3** for additional information about this issue.

Work Track members put forward proposals related to terms not currently listed in the Applicant Guidebook as having special rules or restrictions.

Some believe that it may be unclear to an applicant if a government, public authority, or other party considers a string to be a geographic term, and therefore conflicts may arise later in the process.

Some suggest that the best way address this problem is to ensure that the rules are explicit and therefore clear for all parties, which will prevent conflicts from arising later in the process:

- Proposal: **Apply a "bright line" clear and unambiguous rule that any geographic term that is not explicitly and expressly protected is unprotected.** No objection or non-consent can be used to stop its registration.

Commented [A81]: I'm not comfortable with this sentence – are we not talking only about letters of support/non-objection and application? There are still string confusion etc to be considered. Suggest replacing it with "A lack of letter of support/non-objection alone will not be a cause to suspend/hinder or suspend an application for such unprotected term."

Commented [A82]: Proposal, pros, and cons updated based on recent email list traffic and discussion on the 14 Nov call.

1 applicants identify which governments and/or public authorities would be
 2 applicable. Alternately, the Geographic Names Panel used to evaluate whether
 3 an applied for string was a geographic TLD in the 2012 round could be made
 4 available to advise applicants before they submit applications.
 5

Benefits	Drawbacks
Some believe that an advisory panel could create greater clarity for applicants about which strings are geographic names and which governments or public authorities are applicable, therefore reducing potential future conflicts.	Some believe that the geographic names panel should have a focused mandate and rules should be sufficiently clear that there are no “hard cases.”
Some believe that the panel could consult in “hard cases” where it may be unclear to the applicant if the term has geographic significance, especially in those cases not explicitly covered by lists referenced in the AGB.	Has a financial impact, potentially on ICANN, if this is intended to be cost-free to potential applicants.

- 6
- Proposal: **Maintain a repository of geographic names reflecting terms that governments consider sensitive and/or important as geographic names.** Countries and territories could contribute terms to this repository but it would not require binding action on the part of potential applicants.
- 7
8
9
10
11

Benefits	Drawbacks
Some believe that a repository could help a potential applicant identify if a government feels that a term is sensitive due to its geographic nature.	Some believe that such a resource would be difficult and expensive to maintain.
Some believe that this tool could be used a reference resource, providing an opportunity for different parties to work together and make sure the application takes into account different perspectives.	Some believe that it is unclear what it means or implies for a term to be included in the repository, and therefore the repository could have a chilling effect on applications. If there are no associated protections/rules, it is unclear what purpose the repository serves.

Some believe that by promoting early contact between governments and applicants regarding strings that governments consider sensitive, the repository could help prevent later conflicts related to an application.	Some believe that there is a risk that once such a resource exists, people will find a use for it, potentially without sufficient basis.
---	--

1
2
3
4
5
6
7

- Proposal: **Leverage the expertise of GAC members to help applicants determine if a string is related to a geographic location.** GAC members could also assist applicants in identifying which governments and/or public authorities would be applicable in cases where an applicant must obtain a letter of government support or non-objection.

Benefits	Drawbacks
From one perspective, this enhanced role for the GAC members could create greater clarity for applicants about which strings are geographic names and which governments or public authorities are applicable, therefore reducing potential future conflicts.	From one perspective, the rules should be clear and unambiguous regarding what constitutes a geographic name and the which rules apply for these strings.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Additional proposals from this perspective suggest creating new requirements for applicants:

- Proposal: **Require that an applicant demonstrates that it has researched whether the applied-for string has a geographic meaning and performed any outreach deemed necessary by the applicant prior to submitting the application.** The proposal would be in addition to the existing measures related to the Geographic Names Panel.
- Proposal: **If the applicant is applying for a geographic name, including terms not listed in the 2012 Applicant Guidebook, the applicant is required to contact/consult with the relevant government authority and provide evidence that it has done so.**

g. Are there other activities in the community that may serve as a dependency or future input to this topic?

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

1
2
3
4
5
6
7
8
9
10

- New gTLD Subsequent Procedures PDP Working Group - outputs of full Working Group and Work Tracks 1-4
- Recommendations of the Competition, Consumer Trust, and Consumer Choice Review Team
- GAC Geographic Names Working Group
- Cross-Community Working Group on the Use of Country and Territory Names (completed)

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

3 Conclusions and Next Steps

3.1 Preliminary Conclusions

As noted in the Preamble, the Work Track did not seek to take formal consensus calls on any preliminary recommendations contained in this report.

3.2 Next Steps

After a comprehensive review of public comments received on this report, the Work Track will deliberate further on the preliminary recommendations contained herein. It is possible that as a result of the deliberations, there may be additional supplemental reports released by the Working Group seeking additional public comments. Once all of that is completed, a consensus call will be conducted on all recommendations before the Working Group issues its Final Report.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

4 Background

4.1 Process Background

On 25 June 2014, the GNSO Council created the New gTLD Subsequent Procedures Discussion Group. On 1 June 2015, the Discussion Group delivered its final deliverables with the GNSO Council.

- In response to the deliverables of the Discussion Group, on 24 June 2015, the GNSO Council resolved to request an Issue Report. In the Final Issue Report, ICANN staff recommended that the GNSO Council commence a PDP on New gTLD Subsequent Procedures.
- On 4 December 2015, ICANN staff published a Final Issue Report for the GNSO Council to consider the commencement of a Working Group.
- On 17 December 2015, the GNSO Council initiated a Policy Development Process and chartered the New gTLD Subsequent Procedures Working Group.
- On 21 January 2016, the GNSO Council resolved to adopt the charter of the Working Group.
- On 27 January 2016, a Call for Volunteers was issued for the Working Group and the WG held its first meeting on 22 February 2016.
- On 22 October 2017, a Call for Volunteers was issued for Work Track 5 and the WT held its first meeting on 15 November 2017.
- On 3 July 2018, the WG published its Initial Report for public comment³⁴.

³⁴ See public comment proceeding here: <https://www.icann.org/public-comments/gtld-subsequent-procedures-initial-2018-07-03-en>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

4.2 Issue Background

The New gTLD Subsequent Procedures PDP Working Group was tasked with determining what, if any changes may be needed in regards to the existing GNSO’s *Final Report on Introduction of New Generic Top-Level Domains*³⁵. As the original policy recommendations as adopted by the GNSO Council and the ICANN Board have “been designed to produce a systemized and ongoing mechanisms for applicants to propose new top-level domains,” those policy recommendations remain in place for subsequent rounds of the New gTLD Program unless the GNSO Council would decide to modify those policy recommendations via a policy development process. The work of the PDP follows the efforts of the New gTLD Subsequent Procedures Discussion Group (DG), which identified a set of subjects for this PDP to consider in their deliberations. The DG anticipated that the WG might complete its work by:

- Clarifying, amending or overriding existing policy principles, recommendations, and implementation guidelines;
- Developing new policy principles, recommendations, and implementation guidelines

4.2.1 Related Work by the GNSO and the Community

Several efforts within the community have connections to the work of this Work Track:

- New gTLD Subsequent Procedures PDP Working Group overarching issues and Work Tracks 1-4
- Competition, Consumer Trust & Consumer Choice Review Team (CCT-RT)
- GAC Geographic Names Working Group

³⁵ See the Final Report – Introduction of New Generic Top-Level Domains here: <https://gns0.icann.org/en/issues/new-gtlds/pdp-dec05-fr-part-a-08aug07.htm>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

11	Alfredo Santos	RySG
12	Ali Hussein Kassim	At-Large
13	Andrei Kolesnikov	At-Large
14	Ann-Cathrin Marcussen	ccNSO
15	Annebeth Lange Co-Leader	ccNSO
16	Ashley Heineman	GAC
17	Aslam Mohamed	Individual
18	Avri Doria	Individual
19	Aziz Hilali	At-Large
20	Barrack Ongondo Otieno	ccNSO
21	Bernd Neujahr	GAC
22	Bonnie Mtengwa	ccNSO
23	Bram Fudzulani	At-Large
24	Brian Scarpelli	IPC
25	Brian Winterfeldt	IPC
26	Bruna Martins dos Santos	NCSG
27	Carlos Dionisio Aguirre	At-Large
28	Carlos Raul Gutierrez	RySG

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

29	Charles Semapondo	GAC
30	Cheryl Langdon-Orr (Co-chair new gTLD Subpro WG)	At-Large / ccNSO
31	Ching Chiao	RySG
32	Chris Casavale	IPC
33	Christa Taylor	Individual
34	Christopher Wilkinson	At-Large
35	Colin O'Brien	IPC
36	Cristina Monti	GAC
37	Daniel Anthony	Individual
38	Dave Kissoondoyal	Individual
39	David Cake	NCUC
40	David McAuley	RySG
41	Delia Belciu	IPC
42	Demi Getschko	ccNSO
43	Dessalegn Mequanint Yehuala	Individual
44	Dev Anand Teelucksingh	At-Large
45	Edmon Chung	RySG
46	Ejikeme Egbuogu	NPOC
47	Elsa Saade	NCUC
48	Erich Schweighofer	At-Large

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

49	Farzaneh Badii_(Badiiei)	NCUC
50	Francis Olivier Cubahiro	GAC
51	Francesco Vinci	GAC
52	Fulvia Menin	GAC
53	Ghislain de Salins	GAC
54	Giacomo Mazzone	GAC
55	Giovanni Seppia	ccNSO
56	Gnanajeyaraman Rajaram	NCUC
57	Greg Shatan	IPC
58	Goma Serge Parfait	Individual
59	Griffin Barnett	IPC
60	GZ Kabir	ISPCP
61	Hadia Elminiawi	At-Large
62	Hamzah Haji	At-Large
63	Harish Chowdhary	NPOC
64	Harold Arcos	At-Large
65	Heather Forrest	IPC
66	Hempal Shrestha	At-Large
67	Iliya Bazlyankov	Individual
68	Ines Hfaiedh	NCUC
69	Isha Suri	Individual
70	Jaap Akkerhuis	Individual
71	Jaifa Margarita Mezher Arango	GAC

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~18 November 2018~~

72	Janvier Ngnoulaye	Individual
73	Javier Rúa-Jovet Co-Leader	At-Large
74	Jeff Neuman (Co-chair new gTLD Subpro WG)	Individual
75	Jelena Ozegovic	ccNSO
76	Jessica Flores	Individual
77	Jessica Hooper	RySG
78	Jim Prendergast	Individual
79	Joe Alagna	Individual
80	John Rodriguez	GAC
81	Jon Nevett	RySG
82	Jonathan Agmon	IPC
83	Jorge Cancio	GAC
84	Juan Manuel Rojas	NPOC
85	Judy Song-Marshall	RySG
86	Justine Chew	At-Large
87	Katrin Ohlmer	Individual
88	Kavouss Arasteh	GAC
89	Kerim Begliyev	GAC
90	Kiran Malancharuvil	IPC
91	Krishna Seeburn (Kris)	NCUC
92	Kristina Rosette	RySG
93	Leonard Obonyo	ccNSO
94	Liz Orembo	At-Large

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

95	Liz Williams	GNSO
96	Luca Barbero	IPC
97	Marcelo Ferreira dos Santos	Individual
98	Marita Moll	At-Large
99	Maritza Agüero Minano	At-Large
100	Martin Sutton Co-Leader	RySG
101	Mason Cole	RySG
102	Matthew Johnson	IPC
103	Maureen Hilyard	At-Large
104	Michael Flemming	IPC
105	Miguel Ignacio Estrada	ccNSO
106	Mike Rodenbaugh	
107	Mirjana Tasic	ccNSO
108	Narine Khachatryan	Individual
109	Neli Marcheva	Individual
110	Nelson Imoa Kaunda	Individual
111	Nick Wenban-Smith	ccNSO
112	Olga Cavalli - Co-Leader	GAC
113	Pascal Bekono	At-Large
114	Paul McGrady	IPC
115	Paul Rosenzweig	NCSG
116	Pedro Huichalaf Roa	Individual
117	Peter Van Roste	ccNSO

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~16 November 2018~~

118	Phillip Vincent Marano	IPC
119	Philippe Fouquart	ISPCP
120	Poncelet Ileleji	NPOC
121	Rahman Khan	Individual
122	Rahul Gosain	GAC
123	Ramet Khalilinasr	RSSAC
124	Raymond Selorm Mamattah	Individual
125	Renata Aquino Ribeiro	NCUC
126	Ricardo Holmquist	At-Large
127	Robin Gross	NCSG
128	Rosalia Morales	ccNSO / ccTLD
129	Salanieta Tamanikawaiwaimaro	NCSG
130	Samantha Demetriou	RySG
131	Sanna Sahlman	ccNSO
132	Sarah Langstone	RySG
133	Sophia Feng	RySG
134	Sophie Hey	IPC
135	Statton Hammock	CBUC
136	Stephen Jadie Coates	RySG
137	Subhash Dhakal	GAC
138	Susan Anthony	GAC
139	Susan Payne	IPC
140	Svitlana Tkachenko	ccNSO

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~~~2018~~

1 Statements of Interest. A list of the Observers can be found at:

2 <https://community.icann.org/x/UplEB>.

3
4
5
6 * The following are the ICANN SO/ACs and GNSO Stakeholder Groups and
7 Constituencies for which WG members provided affiliations:

- 8
9 RySG – Registries Stakeholder Group
10 CBUC – Commercial and Business Users Constituency
11 NCUC – Non Commercial Users Constituency
12 IPC – Intellectual Property Constituency
13 ISPCP – Internet Service Providers and Connectivity Providers Constituency
14 NPOC – Not-for-Profit Organizations Constituency
15 ~~ALAC At-Large~~ – At-Large ~~Advisory Community~~Community
16 ccNSO – Country Code Names Supporting Organization
17 GAC – Governmental Advisory Committee

18
19 ** This list was accurate as of the publication of this report. Note that some members
20 joined the WG only after it began meeting, and WG members that have since left are
21 indicated with ++ against their names.

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 201819~~~~November 201819~~~~November 201817~~~~November 201816~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 201814~~~~November 20188~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20186~~~~November 20185~~~~November 2018~~

6 Community Input

6.1 Summary of Input

The full Working Group formally sought community input through public comment on three occasions: (1) conducted outreach to all ICANN Supporting Organizations (SOs) and Advisory Committees (ACs) as well as GNSO Stakeholder Groups (SGs) and Constituencies (Cs) with a request for input at the start of its deliberations, which included a specific request for historical statements or Advice relating to new gTLDs³⁶ (2) Community Comment 1 (CC1)³⁷ (2) Community Comment 2 (CC2)³⁸. For additional information about outreach activities conducted by the full Working Group, please see the Initial Report.

Work Track 5 has conducted outreach by connecting to the relevant communities through Work Track Co-Leaders and participants engaged in those communities. There is one Work Track Co-Leader representing each the ALAC, the ccNSO, the GAC, and the GNSO. The Co-Leaders have served as liaisons to their respective communities, ensuring that members of their communities are aware of the status of activities and know about opportunities to engage. The Work Track Co-Leaders have regularly met with SOs and ACs during ICANN meetings. Face-to-face working sessions at ICANN meetings have been open and all members of the community have been encouraged to attend and engage. In addition, cross-community sessions were held at ICANN59 and ICANN62 on the topic of geographic names at the top level.

In addition, some members of the GAC submitted written feedback about some of the issues being addressed by the Work Track.³⁹

6.2 Review of Input Received

All of the input received has been reviewed by the WG as part of its deliberations on relevant topics.

³⁶ See outreach and inputs received on the Wiki here: <https://community.icann.org/x/2R6OAw>

³⁷ See Community Comment 1 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/3B6OAw>

³⁸ See Community Comment 2 outreach and inputs received, on the Wiki here: <https://community.icann.org/x/Gq7DAw>

³⁹ See <https://community.icann.org/download/attachments/60490848/GAC%20Member%20inputs%20WTS.pdf?version=1&modificationDate=1529308543000&api=v2>

New gTLD Subsequent Procedures Initial Report Date: ~~20 November 2018~~~~20 November 2018~~~~19 November 2018~~~~19 November 2018~~~~17 November 2018~~~~16 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~14 November 2018~~~~18 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~16 November 2018~~~~15 November 2018~~

7 Annex A – Charter

The full Working Group charter is available here: <https://community.icann.org/x/KAp1Aw>

The Terms of Reference document developed by the Work Track is available here: <https://community.icann.org/x/RgS8B>