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Heather Forest, GNSO
Carlos Gutiérrez – GNSO
Annebeth Lange – ccNSO
Paul Szyndler – ccNSO
Co-Chairs of the Cross Community Working Group on the Use of Country and Territory Names as top-level domains (CWG-UCTN)

Ref: Initial GAC input on three-character country codes as top-level domains in future rounds

Dear Co-Chairs of the Cross Community Working Group on the Use of Country and Territory Names as top-level domains (CWG-UCTN),

Thank you for your email of 9 September 2015 seeking early feedback from the GAC on the use of 3-character codes as top-level domains (TLDs) in future rounds of new gTLDs, as the CWG-UCTN begins its work on this topic. The GAC is pleased to provide some preliminary input on issues raised by your questions on the use of 3-character codes as TLDs in future rounds. This input reflects early discussions that the GAC has held on the topic but please be aware that the GAC has not yet made decisions and these initial reflections do not constitute GAC advice. As you are aware, this topic is of significant interest to the GAC and we look forward to further engagement opportunities as the work progresses.

1. Defining the three-character codes protected in future round(s)

The ISO 3166-1 Alpha-3 standard that the CWG-UCTN is basing its work on includes three-letter codes that represent a country/territory name. In general, the GAC cautions that three-letter country codes could represent the same country or territory as do two-letter country codes and could be strongly associated with the relevant country, with sometimes an even stronger national association than their two-character equivalent. Therefore, the use of 3-letter country codes could create significant end-user confusion with ccTLDs, even though they have not been used in the DNS so far.

The GAC notes that all country/territory names at the top level were made unavailable for the first round of new gTLDs, including codes listed in the ISO 3166-1 standard as well as “names by which a country is commonly known, as demonstrated by evidence that the country is recognized by that name by an intergovernmental or treaty organization”.¹

Some GAC members have identified other sources of three-letter codes, in addition to those found in ISO 3166-1, that they consider relevant to governments’ functions. These could include: currencies (ISO-4217 alpha-3 codes), airports (see IATA codes), languages (639-2 and 639-3 codes), or sports (IOC and FIFA). Some GAC members suggest that, while the ISO 3166-1 alpha-3 list is a good starting point, governments / public authorities should be able to use other lists to protect abbreviations that are closely associated with their country. Some GAC members point out that the 3-character International Telecommunications Union (ITU) country names and International Olympic Committee (IOC) country names lists in particular should be protected, in

¹ AGB Section 2.2.1.4.1 “Treatment of Country or Territory Names”, <https://newgtlds.icann.org/en/applicants/agb/evaluation-procedures-04jun12-en.pdf>.

addition to the ISO 3166-1 alpha-3 list, while other GAC members do not share that view. Some GAC members suggest that yet other lists should also be considered, such as the ISO 4217 currency codes or the IATA airport/city codes.

Other GAC members, however, are not persuaded that these other sources of three-letter codes should serve as a basis for restrictions on their use in future gTLD rounds. They note that three-character top-level domains already are commonly used in the DNS (i.e., .com, .net, .org) and there were several applications for three-character top-level domains in the existing new round (i.e., .app and .web). These GAC members thus caution that overly broad exclusion of three-letter codes in future rounds could result in the exclusion of commonly used words, common abbreviations, well-known trademarks and the like, as TLDs.

A number of GAC members believe that other solutions for the protection of certain strings based on, for example, "string similarity rules" (questions 4 and 6) should be avoided as much as feasible (e.g. scenario corresponding to Question 4 posed by the CWG-UCTN) as they would generate too much uncertainty and complexity in the process. Others, however, would support further work to clarify how "string similarity" or "confusingly similar" tests might be applied to the use of three letter codes that do not represent countries and/or territories on the ISO-3166 list.

Internationalized Domain Names (IDNs)

Regarding the IDN dimensions of country codes and country names, the current version of the applicant guidebook makes unavailable as gTLDs all country/territory names at the top level, including for IDNs. Several GAC members note that in general, distinguishing between country name IDNs that are 3-characters and IDNs that are not 3-characters may be more relevant to some scripts than to others. Some GAC members believe that the current general provisions provide adequate protection. There is currently no specific list of reserved 3-character IDNs and the ISO 3166-1 standards only cover representations in Latin scripts.

Some GAC members believe that it is important to consider also protecting the names on specific lists of IDN three-character codes that correspond to country names or to governmental functions. They mention for example Cyrillic three-letter codes according to the GOST 7.67 gold standard and, if fully digit-based labels are to be considered in next rounds of gTLDs, to consider three-digit character codes as well (e.g. ITU-T Recommendation E.212 and ISO 3166-1 numeric). In addition, some GAC members point to potential issues of visual similarity of characters that unrestricted use of IDN that contain U-Labels could present.

2. Protection mechanisms to manage three-character codes in future rounds

Reserving three-character country codes in future rounds

There is significant GAC support for maintaining the current protections in place for country/territory names and representations. Many GAC members consider that these are adequate and should remain for future rounds of new gTLDs, i.e. 3-character country codes should remain reserved and not be eligible for use by gTLDs. In the case of any proposed change from the status quo, the GAC emphasizes the importance of the actual mechanism used to protect reserved codes and the need for in-depth consultations with governments.

Other GAC members comment that governments and public authorities should be able to choose to protect the codes listed on the reference lists (ISO 3166-1 and others) for which they are competent through an opt-in system without having to justify their choice and decision.

Yet other GAC members believe there should not be a limitation on three character top-level domains from being eligible for use as a gTLD.

Potential use of three-character codes by ccTLD operators

A number of GAC members believe that three-character country codes should not be used as ccTLDs by the relevant country so as to avoid user-confusion. They also point out that there are likely to be little growth prospects for ccTLDs using three-character codes.

Other GAC members believe that individual countries should be able to choose whether the relevant three-character country/territory codes could potentially be used as a ccTLD. There may for example be cases in which the country may have given control of the associated two-character codes to commercial entities and wishes to use the three-character code as a traditional ccTLD. Some GAC members add that ccTLD operators are appropriate trustees to operate both two and three-character country codes in the local public interest.

Documentation of support or non-objection from the relevant government or public authority (question 3)

Some GAC members agree that for geographic names in particular, support or non-objection from the relevant government or public authority should be required, including for 3-character combinations. The GAC highlights the need to investigate practical aspects in more depth. As the CWG-UCTN is aware, the GAC Working Group to Examine the Protection of Geographic Names in any Future Expansion of gTLDs has been examining whether and how more specific and enforceable protection for names and descriptions that correspond to places, countries, territories, regional languages, or people, including where they are three-characters in length, could be developed.

Best regards,
Sincerely,

A handwritten signature in black ink, appearing to read 'Th. Schneider', with a long horizontal flourish extending to the right.

Thomas Schneider
Chair, Governmental Advisory Committee

APENDIX: specific comments on some of the questions by the CWG-UCTN on 3-character codes with regard to the use of country and territory names as top-level domains

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

The GAC does not think that it is necessary or feasible to reserve all 3-character codes as ccTLDs at the top-level and notes that in practice, nearly 150 three-character ASCII codes already operate as gTLDs in the DNS. It does not, however, follow that all 3-character codes should be eligible as gTLDs, in particular country codes (see detail in letter above).

2. "In future, should all three-character top-level domains be eligible for use as gTLDs as long as they are not in conflict with the existing alpha-3 codes from the ISO 3166-1 list; i.e. the three-character version of the same ISO list that is the basis for current ccTLD allocation? What would be the advantage or disadvantage of such a policy?"

Many GAC members believe that the existing alpha-3 codes from the ISO 3166-1 list should continue to be ineligible for use as gTLDs, as they are in the current version of the gTLD Applicant Guidebook. Furthermore some GAC members believe that other codes corresponding to countries and to governmental functions should also be protected (see detail in letter above).

3. "In future, should three-character strings be eligible for use as gTLDs if they are not in conflict with existing alpha-3 codes from the ISO 3166-1 list and they have received documentation of support or non-objection from the relevant government or public authority? What would be the advantage or disadvantage of such a policy?"

The GAC thinks that this scenario is promising and definitely warrants additional consideration. Practical aspects should be investigated in more depth (see detail in letter above).

4. "In future, should there be unrestricted use of three-character strings as gTLDs if they are not conflicting with any applicable string similarity rules? What would be the advantage or disadvantage of such a policy?"

Relying on "string similarity rules" to protect certain strings should be avoided as it would generate too much uncertainty and complexity in the process.

5. "In future, should all IDN three-character strings be reserved exclusively as ccTLDs and be ineligible as IDN gTLDs? What would be the advantage or disadvantage of such a policy? In this scenario, three-character IDNs would no longer be eligible as TLDs unless they represent a country."

As in question 1, the GAC does not think that it is necessary or feasible to reserve as ccTLDs all IDN three-character codes at the top-level and notes that in practice, dozens of 3-character IDN TLDs are in operation in the DNS, including more than a dozen ccTLDs and over 40 gTLDs. It does not, however, follow that all 3-character codes should be eligible as gTLDs (see detail in letter above).

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

In general, using only "string similarity rules" to protect certain strings should be avoided as it would generate too much uncertainty and complexity in the process (see detail in letter above)

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