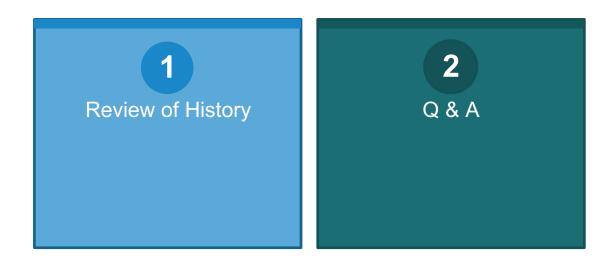# Work Track 5 Webinar: History of Geographic Names at the Top Level at ICANN

8 February 2018

Agenda

1 Review of History

2 Q & A

Overview: History of Geographic Names at the Top Level at ICANN

Agenda Item #1

Early History (1) - Geographic Names as TLDs

◉ Early development of TLDs can be traced through the evolution of Internet Engineering Task Force (IETF) Request for Comments (RFCs).

  ○ In 1984, [RFC 920](#) was published on the topic Domain Requirements. At this point in time, discussion of geographic names at the top level focused exclusively on ccTLDs.

    • Top-level domains: ARPA, GOV, EDU, COM, MIL, and ORG, and country code top-level domains (ccTLDs).

    • In addressing ccTLDs, RFC 920 references **International Organization for Standardization (ISO) 3166-1** list of codes for the representation of names of countries and their subdivisions.

  ○ Subsequent RFCs 1032 and 1591 reinforce the link between ccTLDs and the (ISO) 3166-1 list.

Early History (2) - Geographic Names as TLDs

- First new gTLD expansion in 2000 added 7 TLDs (.aero, .biz,, .coop, .info, .museum, .name, .pro).

- 8 September 2001: [Montevideo GAC Communique](#) requested the reservation of 327 Country Names on the ISO-3166 list in .info due to the "very special nature of .info.

- 10 September 2001: ICANN Board approved GAC Advice and instructed Afilias to reserve those names that were not yet registered in .info only.

- A small working group was created to discuss the way of allocating those names.

- The group recommended a process by which the names would be allocated through an approval process administered by the GAC.

Early History (3) - Geographic Names as TLDs

◉ The list of gTLDs expanded again in 2003.

◉ Of the 15 TLDs added through these processes, two were related to geographic terms. Both were sponsored TLDs from the 2003 round.

  ○ .CAT (for Catalonia)

  ○ .ASIA

◉ In the context of the 2003 round, a sponsored TLD was a specialized TLD that has a sponsor representing the narrower community that is most affected by the TLD. The sponsor carried out delegated policy-formulation responsibilities over many matters concerning the TLD.

IDN-WG outcomes report (2007):

◉ In 2006, The GNSO chartered an IDN Working Group (IDN-WG) to identify and specify any policy issues that should be considered by the GNSO through a policy development process (PDP) that have not already been considered through related work in a PDP known as PDP-Dec05. The IDN-WG published its outcomes report in 2007.

  ○ Members reached agreement on the following points with respect to geographic names:

     Agreement that, within the process for new gTLD consideration, the process for determining whether a string has a geo-political impact is a challenge, and that GAC [Government Advisory Committee] consultation may be necessary but may not provide comprehensive responses.

     Agreement that a suitable process for consultation, including with relevant language communities, is needed when considering new IDN gTLD strings.

GAC Principles Regarding New gTLDs (2007):

◉ With the GAC Principles, the GAC sought to "identify a set of general public policy principles related to the introduction, delegation and operation of new generic top-level domains (gTLDs)."

◉ Several provisions of this document specifically addressed the topic of geographic names at the top level:

> *2.1 New gTLDs should respect:*
>
> *b) The sensitivities regarding terms with national, cultural, geographic, and religious significance.*
>
> *2.2 ICANN should avoid country, territory or place names, and country, territory or regional language or people descriptions, unless in agreement with the relevant governments or public authorities.*
>
> *2.4 In the interests of consumer confidence and security, new gTLDs should not be confusingly similar to existing TLDs. To avoid confusion with country-code Top Level Domains no two letter gTLD should be introduced.*

<u>Reserved Names Working Group</u> (1) (2007):

- The GNSO Council initiated the Reserved Names Working Group (RN-WG) to examine the role and treatment of reserved domain names at the first and second level, with the goal of providing recommendations for further consideration. The Final Report included the following recommendations:

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

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

Reserved Names Working Group (2) (2007)

Recommendation 20 – continued from the previous slide

*. . . 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.*

PDP on the Introduction of New gTLDs Final Report

- This GNSO completed a Policy Development Process in 2007 that finalized policy for the introduction of new top-level domains.

- The Final Report included Principles, Policy Recommendations, and Implementation Guidelines for the introduction of new gTLDs.

- Recommendation 5 in the Final Report addressed reserved names:

    Strings must not be a Reserved Word.

- The Final Report also included text from recommendations 10 and 20 of the Reserved Names Working Group Report (see previous slides).

Applicant Guidebook Evolution (1)

◉ The initial draft of the Applicant Guidebook (October 2008) incorporated Recommendation 5 of the PDP Final Report and the supporting RN-WG analysis. This version included provisions stating that strings must be composed of three or more visually distinct letters or characters. Government support or non-objection was required for: meaningful representation of a country or territory name listed in the ISO 3166-1 standard, sub-national place names listed in the ISO 3166-2 standard, city names when used in geographical capacity, and continents or UN regions.

◉ Language in version 2 (February 2009) expanded the definition of country and territory names and included capital city names in the list of geographic names requiring government consent on non-objection.

◉ The GAC sent a letter to the ICANN Board in March 2009 asserting that "Stings being meaningful representation or abbreviations of a country or territory name in any script should not be allowed in the gTLD space until the related IDN ccTLD policy development processes have been completed." The GAC again stated this position in a letter to the Board in August 2009.

Applicant Guidebook Evolution (2)

◉ The Board instructed staff to provide greater specificity on the definition of country and territory names in the next revision of the AGB. The definition of country and territory name was further refined in version 3 (October 2009). Regarding continents and UN regions, while version 2 has stated that government support or non-objection was required "from a substantial number of the relevant governments and/or public authorities," version 3 indicated that support or non-objection was required from at least 69% of the relevant governments with no more than one written objection from relevant governments or authorities.

◉ Following extensive discussions, the ccNSO urged the Board in a November 2009 letter to reserve all country and territory names. In a March 2010 letter to the Board, the GAC again stated its interpretation of section 2.2 of the GAC new gTLD principles.

◉ In August 2010, in a Board response to the GAC, the Board stated that in version 4 of the AGB the text would indicate that "country and territory names will not be available for delegation in the first round of the new gTLD process." Version 4 and subsequent revisions reflect this change, including the final 2012 version of the AGB.

2012 Applicant Guidebook (1)

2.2.1.3.2: **Strings ineligible for application**

Applied for gTLD strings in ASCII must be composed of three or more visually distinct characters. Two- character ASCII strings are not permitted, to avoid conflicting with current and future country codes based on the ISO 3166-1 standard.

2.2.1.4.1: **Strings ineligible for application**

◉ it is an alpha-3 code, short- or long-form name listed in the ISO 3166-1 standard, or a translation of the short- or long-form name in any language

◉ it is the short- or long-form name association with a code that has been designated as "exceptionally reserved" by the ISO 3166 Maintenance Agency

◉ it is a separable component of a country name designated on the "Separable Country Names List," or is a translation of a name appearing on the list, in any language

2012 Applicant Guidebook (2)

◉ it is a permutation or transposition of a country or territory name

◉ it is a name by which a country is commonly known

2.2.1.4.2: Applications for strings requiring government support

◉ Capital city names of countries or territories in any language

◉ City names if used for purposes associated with the city name

◉ Subnational places on ISO 3166-2 list, such as a county, province, or state

◉ Regions on UNESCO list or "Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other groupings" list (require support from at least 60% of the respective national governments in the region with no more than one written statement of objection from relevant governments or public authorities).

2012 Round Implementation (1)

◉ 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 of the Applicant Guidebook.

◉ The Geographic Names Panel Determined 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 strings fell within the criteria for geographic names, requiring relevant support or non-objection (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.

2012 Round Implementation (2)

- 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).

- Some of these strings were not contained on any of the lists in Section 2.2.1.4 of the Applicant Guidebook.

- 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.

Current State of Policy and Implementation

◉ No new additional policy has been developed since the PDP on the Introduction of New gTLDs.

◉ GNSO Policy and the implementation reflected in the 2012 Applicant Guidebook remain inconsistent.

Cross-Community Working Group on Use of Country and Territory Names (CWG-UCTN)

◉ The CWG-UCTN was established in 2014 and concluded in 2017.

◉ Purpose: Establish whether a harmonized framework for use of country and territory names is feasible. If so, develop such a harmonized framework.

◉ Considered two- and three-letter country codes:
  ○ Preliminary consensus in support of current status 2-character strings: exclusively reserved for ccTLDs
  ○ On 3-letter codes, no consensus feasible

◉ Conclusion: harmonized framework is NOT feasible because:
  ○ Multiple parallel work streams ongoing in the community should be combined
  ○ CCWG's mandate too limited
  ○ No clear connection between CCWG and Policy Development Processes (ccNSO & GNSO)

Ongoing Work: Internal GAC WG to Examine the Protection of Geographic Names in Any Future Expansion of New gTLDs

◉ Objective: This internal GAC working group is reviewing and considering any necessary improvements to existing protections by:
- ○ Developing practical options that are aimed at improving protection of geographic names during any future expansion of gTLDs.
- ○ Developing practical suggestions and rules to lower uncertainties both for the governments, communities and also for the applicants, once using a geographic or community name.
- ○ Developing best practice rules to avoid misuse of geographic and community names as new gTLDs and at the same time lowering uncertainties for the applicants, trademarks and the business involved.
- ○ To ensure the involvement of local community, Government and other relevant stakeholders in the initial stage to avoid future risks and delays for such new gTLDs applications.
- ○ Mainly focused in those names with geographic significance which are NOT included in any of the lists considered in the AGB or future similar documents.

◉ Considering a proposal on a repository of terms with geographic significance. Additional information is available on the WG section of the GAC website.

Current Status of Work Track 5

◉ Work Track 5 (WT5) is a sub team operating within the GNSO New gTLD Subsequent Procedures Policy Development Process Working Group.

◉ The WT began meeting in November 2017.

◉ The WT currently has 145 members and 82 observers from across the ICANN community and four co-leaders representing the ALAC, ccNSO, GAC, and GNSO.

◉ The WT recently agreed on a Terms of Reference document which describes the WT's goals, objectives, scope, deliverables, and rules of engagement.

◉ The WT is beginning discussion on which of the terms listed in 2.2.1.4 in the AGB 2012 that shall be considered geographic in the future rounds.

◉ The next major deliverable for the group will be a work plan outlining milestones and steps to reach these milestones.

Question and Answer

Agenda Item #2