

ccNSO Council Statement: Supplemental Initial Report of the New gTLD Subsequent Procedures Policy Development Process

Date: 17 January 2019

The ccNSO Council welcomes the opportunity to provide feedback on the Supplemental Initial Report on the New gTLD Subsequent Procedures Policy Development Process (Report)[1]. The ccNSO Council wishes to submit their comments only to the recommendations, questions and proposals relating to country and territory names as the top level domains and IDN TLDs.

1. General comment and Summary

The ccNSO Council believes that the rules in the Applicant Guidebook 2012 (AGB) applicable to Geographical names as TLDs worked relatively well and struck a reasonable balance between the different interests at stake. Although the treatment of geographical names in the AGB ended up differently from the New Generic Top-Level Domains policy recommendations from 8 August 2007, in hindsight, the AGB has served the community well. However, we would like to highlight some issues that are still lingering. Therefore, we strongly suggest that the rules of the AGB with geographic names should be maintained, and only allow for clarifications to address the most pressing issues. In this context we refer to our earlier submission about Work Track 1-4[2].

Consequently, before presenting detailed feedback, the ccNSO Council statement can be summarised as follows:

f.1.2.5 – The purpose of future policy development and implementation

- Proposal 1: Support

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

- Proposal 11: Not supported
- Proposal 12: Not supported
- Proposal 13: Not supported

f.2.2.6 – Permutations or transpositions

- Proposal 14: Not supported

f.2.2.7 – Commonly known names of countries

- Proposal 15: Support, and a geographic names panel should help
- Proposal 16: Support

We would like to draw the attention of the Working Group to another issue. Although, the ISO list of country codes does not change frequently, it should be seen as a living document. According to the ISO 3166 standard, Alpha 3-codes are assigned at the same time as Alpha 2-codes are assigned to a country or territory name that is included in the ISO 3166-1 list. To explain this point further, see the recent changes to the ISO 3166-1 list of included countries and territories for the recognition of South Sudan, the removal of Netherlands Antilles and the inclusion of Curaçao and Sint Maarten (formerly: Netherlands Antilles). It is our understanding that the WG proposes to exclude Alpha 3-codes that are assigned to country and territories up and until the date the revised new gTLD policy and/or its implementation becomes effective. But, as earlier stated, new Alpha 3-codes will be assigned at any time. We believe that the policy must take these dynamics and flows into account to avoid creating a distinction between countries pre and post effective date of the policy. At a minimum, the actual list of Alpha 3-codes should be checked whenever a three letter string for a TLD is under evaluation.

2. Specific comments to the Preliminary Recommendations

Preliminary Recommendation #1: Supported without any further comments.

Preliminary Recommendations ##2-9 (strings at the top level reserved as not available for delegation in the AGB): Firstly, the ccNSO Council firmly believes that the reasons to exclude country names and variations thereof from the first round of new gTLDs are still valid, in particular those reasons from the ccNSO and GAC. For an overview of these arguments, we refer to Annex B in the Final Report of the CCWG on use of Country and Territory names as TLDs[3]. Secondly, should they be made available, they must be under the policy authority of the respective national communities, as it is in case of ccTLDs.

Preliminary Recommendation #2: Supported.

All 2-character combinations, whether assigned as ISO 3166-1 code elements or not, should be excluded from the new gTLD process and solely remain to be available for the use as ccTLDs. Geopolitical changes do occur, either due to creation of new countries or due to significant name changes. Therefore, all 2-character combinations should be reserved for existing and future ccTLDs. If not, this will directly conflict with and impinge upon a long-standing policy, which is under the direct policy purview of the ccNSO. We believe that the GNSO through its PDP is not in a position to set any limit to ccNSO policies or its policy purview.

Moreover, we wish to reiterate our concern regarding the proposal under Work Track 2 to lift the exclusion of 1 letter/1 digit as TLD. We strongly believe that this will increase the number of issues arising out of string confusion and subsequent, possible abuses in the domain space. We reiterate our suggestion to maintain the exclusion of all 2-character combinations (including 1 letter/1 digit) from any new gTLD process.

Preliminary Recommendation #3: Supported. Alpha-3 codes in the ISO 3166-1 standard are of great importance for countries and are used widely as identification for the country. The

reservation of these strings should be kept as in AGB 2012; unavailable for delegation at the top level.

The ccNSO Council would like to stress that the ISO list of country codes is a living document. Alpha 3-codes are assigned at the same time as Alpha 2-codes are assigned to a country or territory name that is included in the ISO 3166-1 list. The policy must take these dynamics into account to avoid creating a distinction between countries pre and post effective date of the policy. At a minimum, the actual list of Alpha 3-codes should be consulted whenever a three letter string for a TLD is under evaluation.

Preliminary Recommendation #4: We support the continued reservation of the long-form names (of countries and territories) in the ISO 3166-1 standard in all languages and to exclude them as top level domains.

Preliminary Recommendation #5: We support the continued reservation of the short-form names of countries and territories in the ISO 3166-1 standard in all languages and to exclude them as top level domains.

Preliminary Recommendation #6: We support the continued reservation of the short- or long-form name associated with a code element designated as “exceptionally reserved” by the ISO 3166 Maintenance Agency in all languages and to exclude them as top level domains.

Preliminary Recommendation #7: We support the continued reservation of separable components of a country or territory name designated on the “Separable Country Names List” and exclude them as top level domains.

Preliminary Recommendation #8: We support the continued reservation of permutation or transposition of any of the names included in Preliminary Recommendation #4 - #7 and to exclude them as top level domains. We also support the clarification with respect to the Alpha-3 codes listed in ISO 3166-1 standard, whereby strings resulting from permutations and transpositions of those codes should be allowed, as they then will constitute general words.

Preliminary Recommendation #9: We support the continued reservation of names by which a country is commonly known as described and exclude them as top level domains.

3. Responses to the Questions on which the PDP WG is seeking feedback

E4: Regarding the ruling principles, we agree that the program should allow for the introduction of new gTLDs. However, this does not mean that ALL strings of characters should be allowed as Top Level Domains. The ICANN community is in the position to strike a balance between unrestricted introduction and a more restrained, strategic approach acknowledging religious, cultural, political, and legal diversity. We acknowledge the importance of having a predictable process in place, as in our view, predictability is first and foremost a question of the process. The

ccNSO Council believes that the newly to be designed process should be acceptable to all stakeholders and should reduce the likelihood of conflicts, both during the application process and afterwards.

E6: Ideally country and territory names in all languages should be protected. As far as we know, no reports on possible issues from the 2012 round have been produced and/or shared with the community. Our suggestion is at least to reserve and exclude as Top Level Domains and keep them unavailable for delegation all the translations in official languages of countries included in the ISO 3166-1 standard, the long and short-form names listed in the ISO 3166-1 standard and separable component of a country names designated on the “Separable Country Names List”.

In addition, there should be in place a follow-up process, such as an objection procedure, for commonly used languages in the country in question.

E7: The suggestion from some Work Track members to start a process to delegate 3-letter codes and/or country and territory names to specific parties, such as relevant governments and public authorities or other entities, would require a specific policy. It is unclear to us who should develop such a policy. We suggest the setting up of a process to study the various options to this respect once the new gTLD policy for next round is consolidated.

[1] <https://www.icann.org/public-comments/geo-names-wt5-initial-2018-12-05-en>

[2] <https://ccnso.icann.org/sites/default/files/field-attached/council-statement-new-gtld-subsequent-procedures-initial-26sep18-en.pdf>

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