

**Governmental Advisory Committee
Chairman**



Paul Twomey
CEO & President
ICANN

Paris, 24 April 2009

Dear Paul,

Thank you for your letter of 17 March 2009, seeking GAC members input on possible options to resolve the outstanding implementation issues regarding the protection of geographic names, as it relates to the introduction of new gTLDs.

The GAC notes that the ICANN Board has concerns about the ability to implement the provisions of article 2 and, particularly paragraph 2.7, of the GAC new gTLD principles.

In this respect the GAC offers the following comments and suggestions:

In relation to the geographic names at the top level:

The rights of governments or public authorities in relation to the rights of the sovereign state or territory which they represent cannot be limited or made conditional by any procedures that ICANN introduces for new gTLDs.

The new gTLD procedure should primarily be intended to introduce TLDs which most likely would not be objected on any grounds. Where there are significant or legitimate objections to any particular application from the relevant Internet community, including governments, the gTLD should not be introduced until such concerns have been adequately addressed. It would be sensible to enable Governments (or the GAC) to object to an application for a gTLD on public interests grounds without going through the time and cost of the formal objection process.

Once applications have been received, they should be posted for public comment of 90 days and the GAC in particular should be consulted formally for views on whether any of the applications seem to involve concepts that fall under article 2 of the GAC principles.

Geographic names are special cases and should have special rules applying to them. The ccNSO has proposed that country or territory names on the ISO list are treated as ccTLDs. This seems to be a sensible approach to ensure that geographic names are afforded sufficient protection.

In relation to geographic names at the second level:

The GAC considers that in their applications the registries should be asked to indicate how they intend to incorporate GAC advice in their management of second level domains. The GAC (and the rest of the ICANN community) should then be invited to comment on the appropriateness of proposed measures.

In their considerations the registries may draw on existing methodology which is based on the successful process developed for the reservation, and release of, country names under the .info TLD.

In any case as a minimum, the names contained in the following internationally recognized lists must be reserved at the second level at no cost for the governments of all new gTLDs. *It is of course the prerogative of the relevant governments to adopt procedures that subsequently allow for applicants to register names from any of the lists:*

- the short form (in English) of all country and territory names contained on the ISO 3166-1 list, including the European Union, which is exceptionally reserved on the ISO 3166-1 List, and its scope extended in August 1999 to any application needing to represent the name European Union
http://www.iso.org/iso/support/country_codes/iso_3166_code_lists/iso-3166-1_decoding_table.htm#EU ;
- the United Nations Group of Experts on Geographical Names, Technical Reference Manual for the Standardization of Geographical Names, Part III Names of Countries of the World. This lists the names of 193 independent States generally recognized by the international community in the language or languages used in an official capacity within each country and is current as of August 2006
http://unstats.un.org/unsd/geoinfo/ungegn%20tech%20ref%20manual_M87_combined.pdf and
- List of UN member states in 6 official UN languages prepared by the Working Group on Country Names of the United Nations Conference on the standardization of Geographical Names
<http://unstats.un.org/unsd/geoinfo/9th-UNCSGN-Docs/E-CONF-98-89-Add1.pdf>

In relation to potential misuse of the respective names on the second level:

In the event that a government or relevant public authority (or the GAC) notifies ICANN that there is misuse of any second level domain name in relation to the provisions of article 2 of the GAC principles, ICANN shall notify the registry and request the suspension of the said name pending the withdrawal of the objection by

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the relevant government. GAC considers that the respect for such provisions and procedures needs to be a contractual obligation on the part of the registry.

The GAC looks forward to receiving comments on proposed methodology from interested supporting organizations and advisory committees and ultimately from the Board.

Yours sincerely,

-signed-

Janis Karklins
Chairman of the Governmental Advisory Committee
Ambassador of Latvia to France