At-Large Consolidated Policy Working Group (CPWG)

Supplemental Initial Report on the New gTLD Subsequent Procedures PDP (Work Track 5 on Geographic Names at the Top Level)

v02, 14 January 2019

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What are the Key Policy Issues for At-Large?

- **Key Policy Issues for At-Large** (with hotly debated topics marked in red):
  - What constitutes a geographic name?
  - Geographic Names Panel – expertise, lists, source of reference basis etc
  - Continued reservation of all 2-letter-letter strings as ccTLD
  - Non-availability of 3-letter strings matching Alpha-3 codes listed in ISO 3166-1 standard – make them available with conditions as to who can apply?
  - Geographic names versus generic terms – should and on what basis can geographic names be prioritized?
  - Preventative versus curative mechanisms – which is better for public interest?
  - Treatment of applications for strings matching capital city names versus non-capital city names – requirement for letters of support/non-objection
  - Treatment of applications for strings confusingly similar to geographic term
  - Other terms not included in 2012 ABG for increasing predictability – geographic features, additional sub-national and regional places, geographic in nature, geographical indications
  - Additional 'geo-related terms' not included in 2012 AGB – ISO 4217 Currency codes

Topics / Issues for CPWG Discussion

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

★ **PR #2:** Continue to reserve all **two-character letter-letter ASCII combinations** at TL for existing and future ccTLDs

★ **PR #3:** Continue to consider **alpha-3 codes listed in ISO 3166-1 standard** as country or territory names reserved at TL and unavailable, but with grandfathering exception

- ❑ **Proposal 13:** ISO should not be the source of 3-character strings used by ICANN to identify geographic names

★ **Q.e7:** Should WT5 be asked to recommend a **process to delegate 3-letter codes and/or other country and territory names to specific parties, such as govts, PAs, or other entities**?

- ❑ **Proposal 11:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection until a future process is designed specifically for delegation of three-character codes

- ❑ **Proposal 12:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection only in cases where applicant declares intention to use TLD as it relates to geographic meaning of the term

Proposed ALAC Position / Response

- **Agree with PR #2** – retain two-character letter-letter ASCII combinations at TL for ccTLDs

- **Agree partly with PR#3** –

✓ STRONG SUPPORT for continued reservation of ISO 3166-1 alpha-3 codes as country or territory names, so **NO** to **Proposal 13**

✓ **Q.e7** – Yes, CONSENSUS for ISO 3166-1 alpha-3 codes **to be made available for application by relevant governmental authorities, ccTLD managers or entities acting in and/or for public interest / public benefit** (i.e. **the Carlos Gutierrez proposal**) – more consultation needed on "public interest / public benefit"

? If proceed with no limit on who can reply, then support **Proposal 11** (but **NOT Proposal 12**)

✓ Grandfathering for .com and procedure needed to allow affected existing and future countries and territories to apply for an alternative to their alpha-3 code

x **Q.e7** – No to other country and territory names being made available

Topics / Issues for CPWG Discussion – PR#2

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

★

PR #2: Continue to reserve all **two-character letter-letter ASCII combinations** at TL for existing and future ccTLDs

Proposed ALAC Position / Response

- **Agree with PR #2** – retain two-character letter-letter ASCII combinations at TL for ccTLDs

Topics / Issues for CPWG Discussion – PR#3/pr13

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

★ **PR #3:** Continue to consider **alpha-3 codes listed in ISO 3166-1 standard** as country or territory names reserved at TL and unavailable, but with grandfathering exception

❑ **Proposal 13:** ISO should not be the source of 3-character strings used by ICANN to identify geographic names

Proposed ALAC Position / Response

- **Agree partly with PR#3** –

✓STRONG SUPPORT for continued reservation of ISO 3166-1 alpha-3 codes as country or territory names, so **NO** to **Proposal 13**

Topics / Issues for CPWG Discussion – Q.e7

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

★ **Q.e7:** Should WT5 be asked to recommend a **process to delegate 3-letter codes and/or other country and territory names to specific parties, such as govts, PAs, or other entities**?

Proposed ALAC Position / Response

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Topics / Issues for CPWG Discussion – pr11/12

Geographic Names: 2-letter-letter ccTLD versus 3-character gTLD, ISO 3166-1 std

- **Proposal 11:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection until a future process is designed specifically for delegation of three-character codes

- **Proposal 12:** Delegate alpha-3 codes on ISO 3166-1 std as gTLD with requirement of govt support/non-objection only in cases where applicant declares intention to use TLD as it relates to geographic meaning of the term

Proposed ALAC Position / Response

If proceed with no limit on who can reply, then support **Proposal 11** (but **NOT Proposal 12**)

Topics / Issues for CPWG Discussion

Geographic Names: Preventative measures for capital city names & translations

★ **PR #10:** Continue to require govt/PA letter of support/non-objection for strings at TL matching **capital city names of any country or territory listed in ISO 3166-1 standard** ** | Change to GNSO Policy

- ❑ **Proposal 17:** Require support/non-objection for capital city names only if applicant intends to use gTLD for purposes associated with the capital city name
- ❑ **Proposal 18:** Eliminate support/non-objection requirements for capital city names

Q.e8: Should requirement for letters of support/non-objection from relevant govt or PA be mandatory for **translations of capital city names** of any country or territory listed in ISO 3166-1 standard be changed from "translation in any language" to:

- 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 above?

Proposed ALAC Position / Response

- **Agree with PR #10** – continue to require govt/PA letter of support/ non-objection for capital city names
- x **Proposal 17** – **against**, capital city names should be subject to requirement for support or non-objection from relevant govts or PAs **irrespective of intended use statements**
- x **Proposal 18** – **against**, capital city names should be afforded preventative protection

- **Q.e8** – requirement for support/non-objection for translations of capital city names should remain as "translation in any language" because protection of geonames should be consistently applied across the board including for translations

** Issue of whether translations should require support/non-objection, and if do, in which languages to be explored in Q.e8

Topics / Issues for CPWG Discussion –PR#10

Geographic Names: Preventative measures for capital city names & translations

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- x **Proposal 18** – **against**, capital city names should be afforded preventative protection

** Issue of whether translations should require support/non-objection, and if do, in which languages to be explored in Q.e8

Topics / Issues for CPWG Discussion – Q.e8

Geographic Names: Preventative measures for capital city names & translations

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- 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 above?

Proposed ALAC Position / Response

- **Q.e8** – requirement for support/non-objection for translations of capital city names should remain as "translation in any language" because protection of geonames should be consistently applied across the board including for translations

Topics / Issues for CPWG Discussion

Geographic Names: Preventative measures for non-capital city names

★ **PR #11:** Continue to require govt/PA letter of support/non-objection for strings at TL matching **non-capital city names** where:-
(a) applicant declares intention to use TLD primarily for purposes associated with city name; and
(b) city name listed on official city document
Change to GNSO Policy

Q.e9: Should the requirement for letters of support/non-objection from relevant govt or PA for an application **for non-capital city names** where:-
(a) applicant declares intention to use TLD primarily for purposes associated with city name; and
(b) city name listed on official city document
be kept, eliminated, or modified?

- ❑ **Proposal 19:** Maintain provisions in 2012 AGB requiring applicants to obtain letters of support/non-objection from relevant govts or PAs if:-
  (a) It is clear from applicant statements will use the TLD primarily for purposes associated with the city name; and
  (b) Applied-for string is a city name listed on official city document
- ❑ **Proposal 19 Variant 1:** Implement provisions to prevent misrepresentation, increasing contract requirements and enhances protections for geo places – changes standard for when letter is needed for non-capital city from usage associated with city name to usage intended to represent a connection to the authority of the non-capital city name
- ❑ **Proposal 19 Variant 2:** Change (a) to "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".
- ❑ **Proposal 19 Variant 3:** Change (a) to "The applicant is able and will confirm that neither he nor his sales channel will use TLD as a geographic identifier".

Proposed ALAC Position / Response

- **PR #11** – support for recommendation, but because of uncertainty over "primarily" and enforcement of limitation (i.e. can be circumvented by not declaring intended use or declaring another intended use) requirement for support/non-objection letter should be the sole mechanism for city name applications … hence, answer to Q.e9.
- **Q.e9** –support for **Proposal 19** status quo, but also strong support for modification to require support or non/objection for all applications for city names irrespective of intended use statements – uncertainty over "primarily" and prevention of "breach" at TL & SL
- **Proposal 19 Variants 1, 2, 3** – **against**, mainly due to uncertainty over enforcement

Topics / Issues for CPWG Discussion – PR#11

Geographic Names: Preventative measures for non-capital city names

★ **PR #11:** Continue to require govt/PA letter of support/non-objection for strings at TL matching **non-capital city names** where:-

(a)applicant declares intention to use TLD primarily for purposes associated with city name; and

(b)city name listed on official city document

Change to GNSO Policy

Proposed ALAC Position / Response

- **PR #11** – support for recommendation, but because of uncertainty over "primarily" and enforcement of limitation (i.e. can be circumvented by not declaring intended use or declaring another intended use) requirement for support/non-objection letter should be the sole mechanism for city name applications … hence, answer to Q.e9.

Topics / Issues for CPWG Discussion – Q.e9/pr19

Geographic Names: Preventative measures for non-capital city names

Q.e9: Should the requirement for letters of support/non-objection from relevant govt or PA for an application **for non-capital city names** where:-
(a)applicant declares intention to use TLD primarily for purposes associated with city name; and
(b)city name listed on official city document
be kept, eliminated, or modified?

- **Proposal 19:** Maintain provisions in 2012 AGB requiring applicants to obtain letters of support/ non-objection from relevant govts or PAs if:-
  (a) It is clear from applicant statements will use the TLD primarily for purposes associated with the city name; and
  (b) Applied-for string is a city name listed on official city document

Proposed ALAC Position / Response

- **Q.e9** – support for **Proposal 19** status quo as backstop, but also advocate for modification to require support or non/objection for all applications for city names irrespective of intended use statements – uncertainty over "primarily" and prevention of "breach" at TL & SL

Topics / Issues for CPWG Discussion – pr19++

Geographic Names: Preventative measures for non-capital city names

- **Proposal 19 Variant 1:** Implement provisions to prevent misrepresentation, increasing contract requirements and enhances protections for geo places – changes standard for when letter is needed for non-capital city from usage associated with city name to usage intended to represent a connection to the authority of the non-capital city name
- **Proposal 19 Variant 2:** Change (a) to "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".
- **Proposal 19 Variant 3:** Change (a) to "The applicant is able and will confirm that neither he nor his sales channel will use TLD as a geographic identifier".

Proposed ALAC Position / Response

- **Proposal 19 Variants 1, 2, 3 – against**, mainly due to uncertainty over enforcement

Topics / Issues for CPWG Discussion

Geographic Terms not included in 2012 AGB

★ **Q.e11:** Should we support **protecting/restricting additional categories of geographic names** such as

- Geographic features (rivers, mountains, etc)
- Names of additional sub-national, regional places not included in 2012 AGB
- Non-ASCII geographic terms not included in 2012 AGB
- Any term that can be considered geographic in nature
- Geographical Indications
- Currency codes listed under ISO 4217?

Should additional types of strings have special treatment or rules in AGB? If so, which ones and on what basis? Can scope of category be effectively established and limited? What are the boundaries of category?
If not, why not? Use preventative or curative mechanisms to protect?

- ❑ **Proposal 33:** Apply clear and unambiguous rule that any geographic term not explicitly and expressly protected is unprotected
- ❑ **Proposal 34:** Provide advisory panel to assist in identifying if a string is related to a geographic term – panel can also help applicant identify applicable govt or PA – or use Geographic Names Panel from 2012 round
- ❑ **Proposal 35:** Maintain a repository of geonames reflecting terms that govts consider sensitive and/or important as geonames – countries and territories can contribute but it would not require binding action by applicant
- ❑ **Proposal 36:** Leverage GAC expertise to applicants determine if a string is related to a geographic location and GAC to assist in identifying applicable govt or PA for support/non-objection (if needed)

Proposed ALAC Position / Response

- **Q.e11 – To Be Discussed, linked to Q.e2**
  - ➢ Thoughts on currency codes?
- **Proposal 33 – agree**, good in principle but can "geographic term" be listed/described exhaustively?
- **Proposals 34, 35, 36, 37, 38 – agree**, predictability, avoiding of conflicts and simplification of processes and policies are best facilitated by preventative measures, known to all before the process starts, rather than curative ones that make uncertainty prevail long into the process

- ❑ **Proposal 37:** Require applicant to demonstrate research done on whether applied-for string has a geographic meaning and performed outreach deemed necessary before submitting – supplement existing Geographic Names Panel measures
- ❑ **Proposal 38:** Applicant required to contact/consult with relevant govt authority and provide evidence of contact/consultation

Topics / Issues for CPWG Discussion – Q.e11/Q.e2

Geographic Terms not included in 2012 AGB

Q.e11: Should we support **protecting/restricting additional categories of geographic names** such as

- Geographic features (rivers, mountains, etc)
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- Any term that can be considered geographic in nature
- Geographical Indications
- Currency codes listed under ISO 4217?

Q.e2: How should the term "geographic name" be defined for the purposes of the New gTLD Program? Should there be any special requirements or implications for a term that is considered a "geographic name"? Is "geographic name" the appropriate term to use in this context, as opposed to, for eg, "term with geographic meaning"? Why or why not?

Proposed ALAC Position / Response

- **Q.e11 – To Be Discussed, linked to Q.e2**
  - Thoughts on currency codes?

- ❑ **Should additional types of strings have special treatment or rules in AGB? If so, which ones and on what basis? Can scope of category be effectively established and limited? What are the boundaries of category?**
- ❑ **If not, why not? Use preventative or curative mechanisms to protect?**

Topics / Issues for CPWG Discussion – pr33-38

Geographic Terms not included in 2012 AGB

- **Proposal 33:** Apply clear and unambiguous rule that any geographic term not explicitly and expressly protected is unprotected
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Proposed ALAC Position / Response

- **Proposal 33** – **agree**, good in principle but can "geographic term" be listed/described exhaustively?
- **Proposals 34, 35, 36, 37, 38** – **agree**, predictability, avoiding of conflicts and simplification of processes and policies are best facilitated by preventative measures, known to all before the process starts, rather than curative ones that make uncertainty prevail long into the process